



May 21, 2021

Village of South Blooming Grove  
811 Route 208  
Monroe NY 10950

Re: Public Hearing  
Zoning Amendment  
Chapter 235

To Board members:

This letter is being submitted for the public hearing on the proposed amendment to your zoning code as per letter dated May 11 from Fusco Engineering.

The Preservation Collective is a non-profit organization that supports the public interest in seeing the protection of the scenic, historic and natural resources from the negative impacts of new development. The information and educational resources provided are intended to help in your decision making process and to raise awareness about critical environmental protection that is needed when accommodating new development. The failure to protect the environment will lead to the depletion of resources, which later affects economic growth.

Our first concern in the public hearing process particularly the limited amount of time for public review and comments for extensive changes proposed. The timing of the notice of the public hearing and the posting of latest changes to the amendment document for review was confusing. In addition it is not clear if the latest amendments were referred to Orange County Planning under 239 Municipal Law and available for public review for the hearing.

Based on our preliminary review, we created a rough outline of the numerous issues with the proposed changes that you need to study for environmental impacts:

- Up to 50% more lots per parcel will be allowed when subdividing.
- Height is no longer calculated from the “natural ground” level to the top but measured from the average elevation of the finished grade. Therefore, the changes will foster more “two-story” buildings that are effectively 3 story buildings, because the first floor counts as basement when soil is banked against buildings (so half submerged) and the 35 foot height (increased by 10 ft from 25 to 35) is measured from the finished grade not the natural grade.
- The footprint for 2-story is twice as large as currently allowed.
- Changes in the ridgeline overlay district regulations will only effectively apply to new construction, not additions. And changes in wording limit to only the parcel that is partially in it to be subject to the regulations.
- Removal of the analysis of the conservation values of various site features during site plan review.

**SEQR Discussion:** The intent is that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.

- (1) A Generic EIS is appropriate. A general EIS is used when there is not specific proposed project but when there are significant amendments in zoning to be assessed for environmental impacts. So it would be the type of EIS needed to evaluate the broad changes described in above outline.
- (2) The amendment of the Zoning regs – the addition of language about the houses of worship affect the entire municipality, which is greater than 25 acres, so this is a Type 1 action and an EIS is required.
- (3) The amendment to the Ridge Overlay regs, could affect at least 25 acres and if so, it is a Type 1 action and an EIS must be done.
- (4) There are potential significant impacts from this action, triggering the need for an EIS. Below is a list of some examples in the Full EAF, PART 2:

(a) See Full EAF, “No” was selected on Item 7, page 4. “The proposed action may result in a loss of flora or fauna.”

The amended code explicitly is removing the documentation and consideration of habitat for these species out of the Site Review Process. So, these habitats will not appear on the site plan maps at all. In sum, if you leave it out of the code, and it’s not on parcel maps, then likely to be left out SEQR analysis. Therefore, “yes” “The proposed action may result in a reduction of any habitat used by any rare, threatened or endangered species, as listed by NYS or the federal government.”

(b) See Full EAF, item 2 on page 2. The Ridgeline is arguably an unusual landform, so over development on it might cause damage.

(c) See Full EAF, item 9 on page 6. Impact on Aesthetic Resources. “the land use of the proposed action are obviously different from or in sharp contrast to, current land use pattern between the proposed project and a scenic or aesthetic resource.”

There is no specific project yet, but the changes would permit such projects.

(d) See Full EAF, item 17 on page 10. Consistency with Community Plans. “The proposed action is not consistent with adopted land use plans.” This size and density of this amount of building is not consistent with preserving the ridgelines.

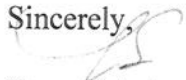
For example, the County Comprehensive Plan states – “Environmental and conservation considerations should also be carefully considered within the Growth Areas. Features and areas that should be preserved whenever possible include steep slopes, generally defined by the Dept. of Planning as slopes over 15%” as well as “habitat for rare species” and “scenic views”.

(e) See Full EAF, item 18 on page 10. Consistency with community character. Item 18.e “the proposed action is inconsistent with the predominant architectural scale and character.”

We want to stress the steps and decisions you take are to protect the health, safety and welfare of all the citizens now and into the future. We hope public comments and questions assist in the protection of public and private property, and the environment, from potential damage that may be caused by the amended zoning code and the overdevelopment to result, if approved as proposed.

Thank you for your consideration.

Sincerely,

  
Tracy Schuh  
President  
TPC, Inc.

Cc: Town of Blooming Grove  
Orange County Planning Department

Resources:

- Required Planning, Zoning, and Subdivision Referrals: [Municipal-Guide-to-GML-239-Process-03-01-21](https://www.orangecountygov.com/DocumentCenter/View/20096/Municipal-Guide-to-GML-239-Process-03-01-21) ([orangecountygov.com](https://www.orangecountygov.com))  
(<https://www.orangecountygov.com/DocumentCenter/View/20096/Municipal-Guide-to-GML-239-Process-03-01-21>)
- SEQR Regulations: [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/part617seqr.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/part617seqr.pdf)
- Educational Recordings:  
[Conservation and Land Use Webinars - NYS Dept. of Environmental Conservation](https://www.dec.ny.gov/lands/120539.html)  
(<https://www.dec.ny.gov/lands/120539.html>)