

**VILLAGE OF SOUTH BLOOMING GROVE  
PLANNING BOARD  
Regular Meeting  
June 6, 2024**

**Members Present:**

Chairman Solomon Weiss  
Abraham Klepner  
Simon Schwartz  
Dov Frankel  
Eli Hiller - Alternate Member (Substituted for Yoel Ungar)

**Members Absent:**

Yoel Ungar

**Also Present:**

Daniel Kraushaar, Village Planning Board Counsel  
Al Fusco, Village Engineer  
Tom Shepstone, Village Planner

A quorum being present, the meeting was called to order by Chairman Solomon Weiss at 8:05 PM followed by a pledge to the flag.

Chairman Weiss also appointed Alternate Member Eli Hiller to serve for the meeting, as a member of the Board was absent.

**Approval of Previous Minutes**

Tom Shepstone distributed minutes of the May 16, 2024 meeting and asked if any members had comments or requests for revisions. A motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to approve the minutes.

**Waiver of Notice Requirements**

Due to the short period between the May 16 and June 6 meeting as contrasted with the complicated process and burden on post offices related to sending out certified mail notices with return receipts requested to potentially impacted nearby property owners, the Village Planner recommended waivers of the 10-day time to distribute and the requirement for return receipts from all applicants before the Board, provided the notices were done by certified mail within the time prescribed for public hearing notices in the New York State Village Law. A motion was made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to grant such waivers as provided under the Village Law and the Village of South Blooming Grove Zoning and Subdivision laws.

## **OLD BUSINESS**

### **201-203 Prospect Road (Prospect Acres)**

The applicant, represented by Mike Morgante, again updated the Board, noting the project was now designed as a multi-family development meeting all RM District standards. He also explained there was enough water already discovered to serve the first phase of the development.

The Village Planner proceeded to note the receipt of additional written comments on the project since the previous meeting, which were posted on the Village website.

There being no other public comments, a motion was then made by Eli Hiller, seconded by Abraham Klepner and unanimously carried to close the public hearing

Planner Shepstone proceeded to discuss Part 2 of the SEQRA Full Environmental Form noting the issues identified were appropriate in his view and that the various studies completed with respect to stormwater, water supply and other identified issues constituted a Part 3 indicating all such issues had been addressed or mitigated. A motion was, therefore, made by Solomon Weiss, seconded by Eli Hiller and unanimously carried to declare that upon review of the information recorded in the EAF, plus additional support information and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Planning Board as lead agency, that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared and a negative declaration be issued.

A motion was then made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to grant Conditional Final Approval of the Prospect Acres project subject to the following conditions:

1. Initial approval shall be limited to Phase I of the project for which water supply has been documented and approval of Phase II of the project shall be subject to development of additional water resources suitable to the Orange County Department of Health and meeting all state and county regulations pertaining to the same.
2. All aspects of the project shall be subject to meeting all requirements set forth by the Village Engineer.
3. The applicant shall install or financially guarantee all proposed improvements prior to final approval, subject to approval of the Village Engineer, and shall neither build nor convey any dwelling units prior to the same.
4. The developer shall provide, for review by the Village, copies of all legal documents relating to ownership and management of dwelling units as well as all other proposed improvements.

5. The developer shall reimburse the Village for all professional costs incurred in review and final approval of the project.
6. The developer shall, prior to final approval, pay all Village fees relating to parkland, sewage collection and disposal, water supply, road maintenance and lighting services and shall enter into a developer's agreement with the Village pertaining to transfer of public improvements to the Village upon satisfactory installation and payment of applicable fees.

#### **46-66 Mangin**

The developer having indicated plans to redesign this project, a motion was made by Simon Schwartz, seconded by Eli Hiller, and unanimously carried to postpone the continuation of the public hearing.

#### **520-530 Rt. 208**

The developers in this instance have also indicated plans to redesign this project. Accordingly, a motion was made by Eli Hiller, seconded by Simon Schwartz, and unanimously carried to postpone the continuation of the public hearing.

#### **4 San Antonio**

There being no further comments on this project not already discussed, the Village Engineer reviewed his comments noting a certified survey was required. A motion was then made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to close the public hearing.

The Village Planner proceeded to briefly discuss Part 2 of the EAF with the Board and a motion was then made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to issue a Negative Declaration under SEQRA.

The Village Planner recommended a Conditional Final Approval. A motion was then made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to grant Conditional Final Approval of the 4 Santonio project subject to the following conditions:

1. All aspects of the project shall be subject to meeting all requirements set forth by the Village Engineer.
2. The developer shall reimburse the Village for all professional costs incurred in review and final approval of the project.
3. The developer shall, prior to final approval, pay all Village fees relating to parkland, sewage collection and disposal, water supply, road maintenance and lighting services.

#### **Museum Gardens (f/k/a South Blooming Grove Business Park)**

The developers are still awaiting Orange County Planning's §239 review of the project.

Accordingly, a motion was made by Simon Schwartz, seconded by Eli Hiller, and unanimously carried to postpone the continuation of the public hearing on the project until the next meeting.

## **NEW BUSINESS**

### **26 Hawthorne**

A brief presentation was made on this 2-family zero-lot-line project. The Village Engineer indicated he had no significant comments. Therefore, a motion was made by Simon Schwartz, seconded by Eli Hiller, and unanimously carried to open the scheduled public hearing on the project. Public comments included the following:

- A building permit isn't warranted before approval but construction is occurring.
- §255-5 of the Village Code doesn't permit subdivision in this instance.
- The public notice waiver wasn't appropriate.
- This project removes an existing resident's view.
- The zoning in this case is not supported by a Comprehensive Plan.

The Village Engineer noted the proposed two units will be separated by a free-standing fire wall. There will also be sprinklers.

There being no further comments on this project, a motion was then made by Eli Hiller, seconded by Solomon Weiss and unanimously carried to close the public hearing.

The Village Planner proceeded to briefly discuss Part 2 of the EAF with the Board and a motion was then made by Solomon Weiss, seconded by Eli Hiller and unanimously carried to issue a Negative Declaration under SEQRA.

The Village Planner recommended a Conditional Final Approval. A motion was then made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to grant Conditional Final Approval of the 26 Hawthorne project subject to the following conditions:

1. All aspects of the project shall be subject to meeting all requirements set forth by the Village Engineer.
2. The developer shall reimburse the Village for all professional costs incurred in review and final approval of the project.
3. The developer shall, prior to final approval, pay all Village fees relating to parkland, sewage collection and disposal, water supply, road maintenance and lighting services.

### **15 Sears**

The Village Engineer reviewed his comments on this project. This was followed by a motion from Simon Schwartz, seconded by Eli Hiller, and unanimously carried to open the scheduled

public hearing. Public comments included the following:

- Additional right-of-way will be needed to accommodate future potential street improvements.
- There are significant water quality issues in the neighborhood.
- There are also water demand vs. supply issues although a new well will address this.
- 9-1-1 addressing will need to be updated.
- There may be construction taking place without building permits.

A motion was then made by Simon Schwartz, seconded by Abraham Klepner, and unanimously carried to continue the public hearing through the next Board meeting.

### **17-28 Pennsylvania**

Michael Morgante gave a brief update on the project and the Village Engineer also commented. This was followed by a motion from Dov Frankel, seconded by Simon Schwartz, and unanimously carried to open the scheduled public hearing. Public comments included the following:

- Existing water wells are unusable.
- Other accesses need to be surveyed.

A motion was then made by Simon Schwartz, seconded by Eli Hiller, and unanimously carried to continue the public hearing through the next Board meeting.

### **9 Dallas**

This project involves two buildings. A motion was made by Abraham Klepner, seconded by Simon Schwartz, and unanimously carried to open the scheduled public hearing on the project.

There were no public comments not previously discussed except to note condominium ownership will require State Attorney General approval. Therefore, a motion was then made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to close the public hearing.

The Village Planner proceeded to briefly discuss Part 2 of the EAF with the Board and a motion was then made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to issue a Negative Declaration under SEQRA.

The Village Planner recommended a Conditional Final Approval. A motion was then made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to grant Conditional Final Approval of the 9 Dallas project subject to the following conditions:

1. All aspects of the project shall be subject to meeting all requirements set forth by the Village Engineer.
2. The developer shall reimburse the Village for all professional costs incurred in review and

final approval of the project.

3. The developer shall, prior to final approval, pay all Village fees relating to parkland, sewage collection and disposal, water supply, road maintenance and lighting services.

### **25 Lark**

Following a presentation on this revised 4-lot, large-lot subdivision by Kirk Rother, a motion was made by Simon Schwartz, seconded by Abraham Klepner, and unanimously carried to open the scheduled public hearing. The Village Engineer noted some additional details were needed, along with a certified survey and a road bond or otherwise acceptable financial guarantee of road construction. Public comments included the following:

- Is there adequate sewer capacity (Village Engineer stated there is 180K/gpd capacity).
- The current plat should be labeled "preliminary."
- Stormwater issues need addressing.

Thereafter, a motion was made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to close the public hearing.

The Village Planner proceeded to briefly discuss Part 2 of the EAF with the Board and a motion was then made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to issue a Negative Declaration under SEQRA.

The Village Planner recommended a Conditional Final Approval. A motion was then made by Solomon Weiss, seconded by Eli Hiller and unanimously carried to grant Conditional Final Approval of the 25 Lark project subject to the following conditions:

1. All aspects of the project shall be subject to meeting all requirements set forth by the Village Engineer.
2. The developer shall reimburse the Village for all professional costs incurred in review and final approval of the project.
3. The developer shall, prior to final approval, pay all Village fees relating to parkland, sewage collection and disposal, water supply, road maintenance and lighting services.
4. The developer shall, prior to final approval, construct or financially guarantee all proposed common road improvements and a joint maintenance agreement shall also be required for any shared driveway sections.

### **Mosayonu Grove Well Subdivision**

Following a presentation by Kirk Rother on this project for a high-yield water well lot, a motion was made by Simon Schwartz, seconded by Abraham Klepner, and unanimously carried to open the scheduled public hearing. Public comments included the following:

- A 300 feet water well setback should apply (proposed for amendment to reduce).
- GML §239 review is necessary (it is not under an agreement with the County).
- The proposed well is expected to yield 500K/gpd of water and the Village has secured a sizable grant to develop related infrastructure.

There being no other public comments, a motion was made by Simon Schwartz, seconded by Abraham Klepner, and unanimously carried to close the public hearing.

The Village Planner proceeded to briefly discuss Part 2 of the EAF with the Board and a motion was then made by Solomon Weiss, seconded by Eli Hiller and unanimously carried to issue a Negative Declaration under SEQRA.

The Village Planner recommended a Conditional Final Approval. A motion was then made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to grant Conditional Final Approval of the Mosayonu Grove Well Subdivision project subject to the following conditions:

1. All aspects of the project shall be subject to meeting all requirements set forth by the Village Engineer.
2. The developer shall, to the extent required by its water agreement with the Village, reimburse it for all professional costs incurred in review and final approval of the project.
3. The developer shall, prior to final approval of any new lots or dwellings apart from the water well lot, pay all Village fees relating to parkland, sewage collection and disposal, water supply, road maintenance and lighting services.

### **South Grove Plan Revision**

Following a brief presentation of minor plan revisions, a a motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to re-affirm the previously issued Negative Declaration under SEQRA and approve the updated plan including the revisions presented. See the resolution attached.

### **Other Business/Adjournment**

There being no other business to come before the Planning Board, Dov Frankel moved to adjourn the meeting. This was seconded by Abraham Klepner and unanimously carried.