

June 6, 2024

Village of South Blooming Grove Planning Board,

Subject: Public Comment Mosayonu Grove, LLC Public Hearing

The subject property is scheduled for public hearing on June 6, 2024. The Village Planning Board should deny its request for subdivision on the following grounds and applicants should re-apply per Village Code 163-12.

1. Village Code 163-12(b) states: Include all contiguous holdings of the owner, including land in the same ownership, as defined in the Zoning Chapter, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, **which shall** include the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. The affidavit shall state the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than 5% of any class of stock. **The application fails to provide the liber and page of each conveyance into the present, the date the contract of sale was executed and other involved corporations. The affidavit is defective in that not all owners are listed. Per Orange County property records the recorded owners are, J Grove Estates LLC, Blooming Grove Gardens LLC, Mosayonu Grove LLC, Blooming Grove Land Development LLC. See attached property description report on file for Tax Map ID 207-1-1.22. The property is also in the RB district.**
2. The proposed Well Subdivision Map only shows a 200' protection radius around the well. Local Law 1 of 2020, to which is enclosed, titled Wellhead Protection Overlay District (WPOD) amends Village Zoning Code and adds section 235-14.4(G)(2) and requires a 300' protection radius surrounding each Village well and will be delineated upon the Village Wellhead Overlay District Map. Village Code 235-14.4(G)(3) further states that the WPOD shall be considered as overlaying all other zoning districts within the Village. The WPOD shall apply to current and future Village wells. It goes on to state; In any case(s) where conflict arise between the WPOD regulations and any other existing regulations, the more restrictive regulations shall apply. Village Code 235-14.4(G)(5) states; This chapter shall apply to all wellhead, used for public water supply, in the Village of South Blooming Grove and shall also apply to such other wellheads as may from time to time, be created within the Village. The applicant should be denied his request for the subdivision and re-apply in accordance with Village Law 1 of 2020 and the applicable sections of the Zoning Code.

3. The Short Environment Assessment Form is defective, and applicants should be denied and re-apply for subdivision. Box 5 is checked as Forest; the forest has already been removed which is also a violation of Village Code 163-29(A) which states; **No trees shall be removed from any subdivision nor any change of grade of the land effected until the final plat has been filed.**
4. The property which the application seeks subdivision is located within 500' of Route 208 and would require County and State review.
5. The Planning Board is not empowered to create Districts. That is a function of the legislative branch which created Local Law 1 of 2020 titled Wellhead Protection Overlay District. Any well created by law is bound by the WPOD. The applicant has no standing.
6. Lastly, the provided map does not comply with Village Code 163-33 and as per Village Code 163-13(e) shall not be deemed to be officially submitted for purposes of these regulations.

Thank you,  
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