

August 15, 2024

Solomon Weiss, Planning Board Chairman
Village of South Blooming Grove
811 NYS Route 208
Monroe, NY 10950

Dear Chairman Weiss

I have reviewed the site plan application, short eaf, engineer comments and offer additional commentary for project known as San Marcos Development. Please be it known I am opposed to this application.

Application:
Applicant and Landowner listed as
Manfield Developers
19 Mangin Rd
Monroe NY 10950

Property: 1 San Marcos Dr. Monroe NY / SBL 221-2-21
Owner: MB Walden LLC
7 Fort Worth Place
Monroe, NY 10950

Property: 3 San Marcos Dr. Monroe NY / SBL 221-2-20
Owner: 3 San Marcos LLC
3 San Marcos Dr.
Monroe, NY 10950

Property: 5 San Marcos Dr. Monroe NY / SBL 221-2-19
Owner 3 San Marcos LLC
19 Mangin Rd
Monroe, NY 10950

Property: 66 Duellk Ave. Monroe NY 10950 / SBL 221-2-1
Owner: 3 San Marcos LLC
19 Mangin Rd
Monroe, NY 10950

The application requires a that a notarized *Certification of Landowner* must be executed by each owner or beneficial owner with a 5% or more interest, in the case of corporations, cooperatives or other entities jointly holding the properties involved.

The site plan application requires a *Certification of applicants* affirming that the applicant(s) are familiar with the requirements of Village of South Blooming Grove Code pertaining to the application and attests to the best of the applicants knowledge, that the application complies with such requirements and that all information is true and correct

NY Gen Mun L § 809 (2023) Disclosure in certain applications.

Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

Village of South Blooming Grove Chapter 163: Subdivision of Land
Article II Definitions

APPLICANT — The owner of land proposed to be subdivided or any other party in interest who shall submit the written consent of the owner.

OWNERSHIP, SAME — Includes all vested or contingent interests in land of any person or his agent, representative, successor or assignee, irrespective of whether or not such interest is recorded, in the following circumstances:

- A. Direct ownership by such person, or his or her child, parent, sibling or spouse of sibling, heir or next of kin or agent, corporation, firm, entity, partnership or unincorporated association.
- B. Property owned by different corporations, firms, partnerships, entities or unincorporated associations, in which such a person is a stockholder, partner or associate, or his or her child, parent, sibling or spouse of sibling, heir or next of kin, and owns a ten-percent or greater interest in each corporation, firm, partnership, entity or unincorporated association.
- C. When such person or his estate, successors or assigns or any person or entity included in Subsections A and B herein may be materially or substantively affected by the relief sought or by any determination made in any proceeding sought before any board, body, commission or agency of the Village of South Blooming Grove, whether or not such person is a party to such application or proceeding and whether or not such person appears on the record of such proceeding.

§ 163-12. Approval of preliminary plat.

- A. Application procedure and requirements.
 - (1) Prior to subdividing or re-subdividing land, an owner of land, or an applicant authorized by the owner of land, shall file an application for preliminary plat. The application shall:
 - (b) 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.

Comment: Neither the Certification of Land Owner(s) or the Certification of Applicants have been properly completed according to the aforementioned disclosure requirements

The 4 parking spaces per dwelling are shown on the site plan drawing

Comment: The site plan does not indicate number of bedrooms per dwelling, therefore the parking spaces cannot be calculated properly. Construction Plans should be included with this application.

Village of South Blooming Grove Zoning Code

Article VIII 235-35 C. Off street parking requirements for

Principal Use - Residential Multifamily as 1 space per dwelling unit plus ½ space per bedroom in each dwelling unit.

Accessory Use- Accessory apartment to Single Family house 1 space per dwelling plus ½ space per bedroom in each dwelling unit

The project is located with-in the Scenic Viewshed Overlay District

Comment: The Scenic Viewshed boundary should be shown on all plot plans

Village of South Blooming Grove Zoning Code

Chapter 235 Article VA 235-14 .4(B)2

(a) For the purpose of protecting Scenic Viewshed the provisions and standards shall be in addition to the use, bulk, site and development regulations applicable to any use located in any district the which the Scenic Viewshed Overlay District is applied

The project is located with-in the Ridgeline Overlay District

Comment: The Ridgeline boundary should be shown on all plot plans.

Village of South Blooming Grove Zoning Code

Chapter 235 Article VA 235-14.4 (C)

(2) The provisions and standards shall be in addition to use, bulk and site development regulations applicable to any use located in any district to which the Ridgeline Overlay District is applied

Bulk Requirements in Zoning RB table shows max height (stories) as 2.5

Comment: The Ridgeline Overlay District restriction on height

Village of South Blooming Grove Zoning Code

Chapter 235 Article VA 235-14.4 (C) (4)

(2) No principle structure or accessory element attached to the structure with a building height of greater than 35 feet shall be constructed. The structure must only include a basement and two (2) stories with-in said 35 feet. Detached accessory structures to be 25 feet or less in height

The applicant submitted a Short Environmental Assessment Form

Comment: A Full Environmental Assessment form is required

Village of South Blooming Grove

Chapter 163 Subdivision of Land

Article III Section 163.12 A

(1) Prior to subdividing or re-subdividing land, an owner of land or applicant authorized by the owner of the land, shall file an application for the preliminary plat, The application shall:

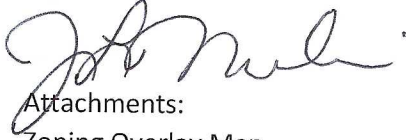
(f) Be accompanied by a **full** environmental assessment form per 6 NYCRR Part 6

The application is seriously deficient. A preliminary plat which does not fully comply with the requirements of Article VI, § 163-32, or which is accompanied by construction plans, which do not fully comply with the requirements of Article VI, § 163-33, shall not be deemed to be officially submitted for the purposes of these regulations.

Thank you for considering the comments made here in

Respectfully

Jodie LoMeli
PO Box 320
Washingtonville, NY 10992



Attachments:

Zoning Overlay Map

Ridgeline Overlay District Regulations

Scenic Viewshed District Regulations

C. Ridgeline Overlay District.

- (1) Intent. The purpose of the Ridgeline Overlay District (RL) is to establish clear guidelines for protection of the Village's hillsides and ridgelines, which are found largely at higher elevations and steeply sloped areas and serve to:
 - (a) Retain major natural topographic features, such as drainage swales, steep slopes, watershed areas, view corridors and scenic vistas;
 - (b) Preserve and enhance the prominent landmark features, such as natural rock outcroppings, prominent trees and plants, other areas of special natural beauty, and stone walls and structures;
 - (c) Preserve and introduce plants so as to protect slopes from soil erosion and minimize the visual effects of grading and construction on hillside areas.
- (2) Applicability. For the purpose of protecting ridgelines, the provisions and standards shall be in addition to the use, bulk and site development regulations applicable to any use located in any district to which the Ridgeline Overlay District is applied. The Ridgeline Overlay District is shown on the Village's Zoning Map.
- (3) General provisions.

- (a) The provisions of this section shall apply to any parcel of land lying fully or to the designated portion of any parcel of land located partially within the Ridgeline Overlay District as follows:
 - (i) All applications for land use development, including site plan, subdivision, special use and conditional use permits, zoning variances, building permits for new residential dwellings;

- (b) To ensure the placement of structures outside of the exposed ridgeline area on proposed building lots, building sites, including areas of vegetation, shall be clearly designated on the applicable subdivision plat and/or site plan. The ridgeline's boundary shall be shown on plot plans.
- (c) No land shall be developed and no building or structure erected, expanded, or developed unless the Planning Board finds that the development proposed will be consistent with the standards of the Ridgeline Overlay District and grants approval.
- (d) Sites in the RL District, also located within the Scenic Roads, Scenic Viewshed or Scenic Gateways Overlay Districts are subject to the provisions and standards found therein.

(4) Standards.

(a) Height.

[1] The total height of any structure or accessory element attached to any structure shall be the vertical distance from the average elevation of the proposed finished grade along the wall of a building (or adjacent to the side of non-building use) to the highest point of the roof for flat roofs and the mean height between eaves and ridge for gable, hip and gambrel roof of such building (or non-building uses), except as specifically exempted in Article VII, Section 235-20.

[2] Restrictions on height. Within the RL District, no principal structure or accessory element attached to the structure with a building height of greater than 35 feet shall be constructed. The structure must only include a basement and two (2) stories within said 35 feet. Detached accessory structures to be 25 feet or less in height.

[3] Structures shall comply with other height provisions of the Zoning Law if they are more restrictive.

(b) Design requirements.

[1] Placement of structures.

[a] To the maximum extent practicable, buildings, structures, towers or storage tanks or other improvements within any area defined as ridgeline shall not be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding private property or public rights-of-way in adjoining lowlands or adjoining ridgelines by cause of excessive clearing, building or structure height, or location of any building or structure with respect to the top of the ridgeline.

[b] Wherever practical, structures should be sited at the lowest elevation possible to be as visually inconspicuous as possible when seen from a distance and from lower elevations.

[c] No structure shall have a footprint greater than 5,000 square feet and setbacks remain as stated in the Zoning Code.

Ridgeline Overlay District page 1

[2] Materials and colors. Structures should blend in with natural surroundings through preferred materials such as stone and/or natural wood siding. Reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them should not be used as predominate colors on any wall or roof surface.

- (c) Visibility. All structures should be sited to avoid, to the greatest extent practical, occupying or obstructing public views of land within the Ridgeline Overlay District. Public views should be considered to be from any location listed on the SEQR visual environmental assessment form addendum (V-EAF) or as otherwise required by the Planning Board.
- (d) Lighting. The location, height, design, arrangement and intensity of outside lighting should minimize glare and should be directed and shaded such that light should not be directed off-site. Exterior lighting in the Ridgeline Overlay District shall be controlled in both height and intensity and shall be in conformance with the requirements established herein. Under no circumstances shall the light level at any lot line exceed 0.2 footcandle, measured at ground level. Floodlights shall not be used to light any portion of a principal or accessory structure facade, and all outdoor light sources mounted on poles or buildings or trees to illuminate driveways, sidewalks, walkways, parking lots, or other outdoor areas shall use fully shielded light fixtures. For purposes of this section, a "full cutoff light fixture" is one in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that part of the light bulb or light source is not visible beyond the property boundaries.
- (e) Vegetation. Existing vegetation within ridgeline areas shall be preserved to the maximum extent practicable. Every attempt shall be made to limit cutting necessary for either construction or the opening of views from the subject site so as to maintain native vegetation as a screen for structures, as seen from public roads or parks or other public views. Clear-cutting of all trees in a single contiguous area shall be prohibited unless expressly permitted by the Planning Board as part of an approval for a site plan or subdivision application.
- (f) Preservation of scenic features. In any application subject to this section, features that provide scenic importance to the ridgeline area should be preserved to a reasonable extent. These features include but are not limited to individual healthy trees within open fields, historic structures, hedgerows, public or private unpaved country roads, and stone walls.
- (g) Signs. No signs are permitted that will be visible above the tree canopy.

Scenic Viewshed Overlay District.

(1) Intent.

- (a) It is the intent of the Village of South Blooming Grove to protect and conserve the scenic viewsheds identified herein, to ensure that the benefits found to be provided by such scenic viewsheds will not be lost for present and future generations and to protect the broader public interest.
- (b) These regulations are enacted with the intent of providing an equitable balance between the rights of the individual property owners to reasonably use private property and the rights of present and future generations of the public. This section recognizes the rights of such adjoining property owners to use their property for reasonable purposes, consistent with these and other regulations and controls, provided that such use, in the judgment of the appropriate agency or official of the Village, does not result in a significant loss or impairment to the scenic resource of the function it fulfills.

(2) Applicability.

- (a) For the purpose of protecting scenic viewsheds, the provisions and standards of this section shall be in addition to the use, bulk and site development regulations applicable to any use located in any district to which the Scenic Viewshed Overlay District is applied.
- (b) Location. The Scenic Viewshed Overlay District includes all land as shown on the Village's Zoning Overlay Map.

(3) General provisions.

- (a) Prior to the initiation of any land disturbance or construction activity within the designated Scenic Viewshed Overlay area, the owner of such property shall apply for and obtain approval from the Planning Board. To the maximum extent practicable, all plan review, hearing and decision required under this chapter shall be coincident with other procedures and applications that may be before the Planning Board relating to the same or a similar activity.
- (b) If the provisions of this chapter conflict with any other provisions of the Code of the Village of South Blooming Grove, the provisions that impose the more stringent requirement or standard shall apply.
- (c) Visual assessment review requirement. Applicants shall submit a visual assessment, which shall consist of the items listed below unless waived by the Planning Board. In assessing visual impacts, it is important to cover all possible viewpoints. If this is not practicable, key viewpoints shall be selected on major routes (e.g., roads, walkways, footpaths, and hiking tracks) and at activity nodes (e.g., residential areas, important open spaces and landmarks).
 - [1] An aerial photograph at a scale appropriate to show the property for which an application has been submitted and other elements within the scenic viewshed.
 - [2] Perspective drawings, photosimulations, plans and section/elevation diagrams, and/or photographs.
 - [3] A factual description of the existing site, based on surveys conducted on site.
 - [4] A description of the proposed development.
 - [5] A description of the predicted level of impact.
 - [6] Suggestions on the scope of mitigative measures (if necessary) to ameliorate the potential impact.
 - [7] The Planning Board is authorized to require any additional information it deems necessary as part of its visual assessment review.

(4) Standards.

(a) Vegetation and landscaping.

- [1] The planting of trees is encouraged to shade and enclose a building site and to define the edge of the public realm and private space. Existing specimen trees shall be maintained to the extent feasible. Species selected for planting shall be appropriate to this climate and setting.
- [2] Minimal cutting for placement of structures is appropriate. Removal of contiguous areas of smaller trees is permitted subject to Planning Board review and approval. Clear-cutting of mature trees is subject to review and approval by the Planning Board.
- [3] Wherever possible, if an applicant or owner seeks to open views, that should be accomplished by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.

(b) Structures.

- [1] New development proposed should be designed to preserve distinctive features of the scenic viewshed, including tree canopy, stone walls, winding road character, cemeteries and scenic views, and to limit the visibility of new development.
- [2] New development adjacent to or within scenic open vistas shall be designed to avoid adverse impact to scenic resources.
- [3] For new subdivisions, building sites shall be arranged to maximize the use of existing and proposed road segments to minimize new forest clearing. Shared driveways and looped roads are encouraged.
- [4] Buildings should be placed in small hollows or otherwise protected areas to preserve the vistas of the scenic viewshed.
- [5] Building materials, colors, and textures should be designed to blend with the natural environment. The use of natural wood siding, stained or painted in an earth-tone color, is encouraged. Native stone is also an ideal material for building walls and for facades. White and light colors, brightly finished metal, and glossy surface materials reflect light and are discouraged. In general, browns, greens, grays, and other earth tones are the least obtrusive.
- [6] Windows should be of low reflectivity. Any large windows shall be partially screened from direct public view by trees. Upper and high windows should be smaller to reduce visual impact.
- [7] Utilities. The utility should cross the scenic road at the shortest possible distance. The utility shall place all pipe, wire, and appurtenances underground unless permitted otherwise by the Planning Board. If aboveground structures are necessary, they shall be painted to blend into the environment to soften the visual impact. The utility shall conduct its construction activities so as to disturb a minimum amount of vegetation and soil.

(c) Landform.

- [1] Cut and fill activity shall be minimized in all disturbed areas.
- [2] Natural drainways, contours, and land forms shall be preserved.
- [3] Development along and/or projecting above ridgelines and other visually prominent locations is subject to the provisions of the Ridgeline Overlay District.
- [4] Conservation easements may be used to provide natural buffers and vegetative screening between land uses, as well as between developed areas and public roadways.

(d) Circulation systems.

- [1] Circulation systems for both vehicular and pedestrian systems should be evaluated. In general rural vehicular and pedestrian systems are curvilinear in alignment, a pattern that evolved out of historic systems following natural landforms. It is only in hamlet or crossroads areas that roads and streets should take on geometric forms reflecting the built environments they move through.
- [2] Driveway widths and alignments should be designed to be visually sensitive. Add gentle curves in driveway layout to reduce visual impact.