

Village of South Blooming Grove

Clovewood DEIS Public Meeting

January 5, 2021

Good evening to the Village of South Blooming Grove Town Board and the Planning Board Members.

I have previously spoken on behalf of the Moodna Creek Watershed Intermunicipal Council. The Council thanks you for hearing their concerns and recommendations.

I speak now for myself as a resident of the Town of Blooming Grove and a resident of the hamlet of Mountain Lodge Park. As you have heard numerous times, the residents are concerned about the development of Clovewood. This development will directly affect the daily quality of our lives and the lives of Clovewood's future residents. The Village of South Blooming Gove's Planning Board has the task of reviewing the Draft Environmental Impact Statement, collecting the concerns of residents, and providing this information to the Community Planning Consultants which developed the DEIS.

This I am sure has been a challenging task, ongoing since April 2018.

I have read the DEIS, the Addendums and as Vice President of the Residents Association listened to the concerns of the residents of Orchard Lake Park, Mountain Lodge Park and Glennwood. As a member of the Town's Conservation Advisory Commission and a drafter of the Town's Natural Resources Inventory I was part of numerous discussions on the larger impact of this development.

The main concerns are the number of proposed homes, the water impacts including sewage and storm water on the development itself, the Village, the surrounding residential areas, and the Moodna Creek Watershed. This also includes the traffic, additional road usage, the protection of sacred land within the development, the protection of Schunnemunk Mountain and the surrounding area.

With an estimated 80% of the 708.2 acres dedicated to open space and 20% proposed for residential, these concerns will hopefully be addressed. We all want to enjoy the rural character and natural beauty of the area. These are attractions the developers should cherish. Why else would you move here?

We can now only trust that the developers will be guided by the concerns documented at the public hearings and, yes, the 20 plus county, state and federal agencies that will oversee this project!

I thank the Planning Board for their efforts on behalf of the residents.

Thank you.

Johanna Kiernan

January 5, 2021.

TO: Village of South Blooming Grove c/o Clerk@villageofsouthbloominggrove.com

RE: DEIS comments for Public Hearing re-scheduled to Jan 5, 2021

FROM: John Daly and Laurel Stauffer-Daly

554 Clove Road, MONROE, NY 10950 (Physical address)



Cc: Mayor- SBG; Donna Douglas; Sonya Ayala; George Doering; Robert Jeroloman; Steve Neuhaus; Colin Schmidt; James Scoufis; Sean Patrick Maloney; Chuck Schumer

This is a summary of our comments made publicly on your Zoom Meeting dated above:

- 1- This development plan is catering to affordable housing for one race of people, in complete violation of Federal, State and local housing regulations. Do we want our County, Town and Village to be under a microscope as a test case? Attorney General Latitia James must enforce the law. Clovewood must follow non discrimination policy in affordable housing.
- 2- NO WATER- NO LIFE- with or without more building. In the DEIS Addendum of January 2020, YOUR OWN PROFESSIONALS say there is not currently a viable plan, nor supply of water and we quote:
 - a. (p9/13) "... the Village does not presently have sufficient capacity to supply water to the Project."
 - b. (p11/13) "The Village does not have an overall comprehensive map depicting the water infrastructure..."
 - c. 9.9 DEIS Attachment I-(pp2-3/13) "...usage of a sand filter system for quality water is still to be submitted to NYSDOH
 - d. also, there is no reference to where, how and if the aquifer recharges in your report.The aquifer we rely on, whether for private well or public water IS NOT RECHARGING. It IS NOT a viable solution to bring in water tankers. PLEASE STATE THE ANTICIPATED DRAWDOWN OF THE AQUIFER FOR THIS CLOVEWOOD PROJECT.

If you insist on proceeding, we respectfully request that the water supply be re-tested and any re-testing MUST INCLUDE ALL RESIDENTS OF IMMINENT IMPACT. Also, the Orchard Lake community should have been included in the last testing performed 2017. As noted under previous cover, just the 2017 well testing process alone had impact on local wells along Clove Road. Also, there has not been any follow up on the impact the testing had on several residential wells including our own. How will Clovewood supply our home with water if construction/this development ruins our water supply?

- 3- We respectfully submit that the traffic study previously completed is now out-of-date and needs to be re-done.
 - a. Since the time of the survey, the 2010 Highway Capacity Manual was updated to new requirements.
 - b. The population of South Blooming Grove has increased since 2017, and with all of its service vehicles, delivery vehicles, cabs, public and private buses, traffic volume and flow has changed significantly.
 - c. Construction vehicles to Palm Tree and KJ construction projects, without adding the Clovewood project, a new hotel and warehouse off 208, start on Clove Road at 6 AM and continue until late afternoon six days per week. These are 3 to 5 axle gravel trucks as well as gravel trailers with up to 7 axles, often using engine breaks (noise pollution) and delaying traffic where Clove and 208 meet, as well as at 208 and Mountain Road/Seven Springs Road- the scene of multiple incidents and accidents.
- 4- It is interesting that the January 2020 Addendum REMOVES the PUBLIC park-and-ride. Why? And with apparent planned parking for 4 vehicles per home, why would any park and rides be planned at all? Given that in traditional, ultra-orthodox Hasidic white family homes, women are not supposed to drive, why so many parking spots for the planned family occupants? Four males per household of driving age plus the other occupants? This seems inconsistent for the proposed buyers planned.
- 5- Where will all the timber rattle snakes go when you break ground- whatever size development you eventually build? Even with environmental specialists working to re-locate the snake dens and nests there for thousands of years, usually the snakes evacuate during construction and this will send them our way (this happened previously on Clove Road for a much, much smaller development.) We will ask, closer to the time, for assurance in writing that the Blooming Grove Volunteer Ambulance Corp and Orange Regional Medical Hospital will stock anti venom. Who will pay any medical bill for snakebites?
- 6- Your findings regarding the cemetery area are incomplete. There is no definitive information ruling out that the Howell cemetery went beyond its immediate area to include field hands and others.
- 7- This project will create noise on a daily basis. Your findings suggest that all levels of construction regarding noise will be within accepted thresholds. Do you mean Acceptable thresholds within a city or country setting?
- 8- We are very concerned about further detriment to the night sky along Shunnemunk ridge. The towns and villages on the south side have already taken away the night sky, and they are on the far side of the ridge.

- 9- There are so many errors, omissions and misrepresentations in the original DEIS and its Addendum. If this is any indication of a commitment to quality, this plan fails miserably. The referenced URL for Clovewood is generally broken. Access to the documents seems to be time limited for any one research sitting. The January 2020 Addendum document rarely loads all 13 of 13 pages. The map in that document does not even include all the homes bordering the project on Clove Road!

We can find no reference to how existing easements will be addressed and have raised this multiple times with your Village, but received no follow up or answers.

Laurel was totally disenfranchised by lack of legal notice for your Dec 3, 2020 meeting.

This project is poorly and incompletely planned, not realistic at this time, and must be rejected.

A handwritten signature in dark ink, appearing to be a stylized name, possibly "L. M. H." or similar, written in a cursive style.

Section 1.0 paragraph 2 (page 1.0-3) it states that “the Satmar Hasidic community would likely constitute a significant percentage of the homeowners within the Project.” Define “significant”. That implies that people who are not members of the Satmar Hasidic community would be living in CLOVEWOOD as well. Of course it is illegal to discriminate in housing, so how would you advertise these homes and to whom would prospective buyers contact? Since Section 3.4.3 of the DEIS makes it clear that the Satmars will constitute the majority if not all of CLOVEWOOD, (and, again, this is illegal) it is only fair to question the information detailed in Table 321 on page 3.2-2. According to this Table, the population of KJ has declined significantly since 2016 from 21,655 to 13,138 so the claim for a need for more housing is not justified. However, it also says that the percentage of change is up by 64.8%. Explain the discrepancy. Since it made clear that it is the overflow of Satmar population in KJ, let's take a closer look at the statistics presented in your Table 321. It clearly shows that although the average household size in KJ is almost double that of the Town of Blooming Grove and the Village of South Blooming Grove, the median income is only about 25% and the Tax Levy almost half in KJ than in the Town and Village. How is that supposed to improve the tax levy income for the Village? Explain the difference between the Local Government Expenditures and the Local Government Tax Levies. Where is that money coming from? Why should anyone believe it will be different with CLOVEWOOD than it is in KJ, especially since you clearly state that the same community will be occupying both locations? Page 3.2-8 States that CLOVEWOOD would constitute a 1.9% housing increase of the Primary and Secondary Study Areas, however, isn't it only reflecting the overpopulation in KJ, which seems to not be concerned by the expanded building practices that foster their increased population.

Page 2.9-3 States that “No accessory apartments are being proposed as part of the Project. However, any homeowner would have the right to propose an accessory apartment in the future, subject to the availability of sufficient water and in accordance with the provisions of Village Zoning Code §235-45.6.” Would the prospective home buyers be made aware that they would have to seek approval of the Village? Since the plots are so small, would the accessory apartments be built over the garages if approved? If not approved,

would those same home buyers go after the Developers for misleading them? The following statement from that page does NOT constitute agreement, just the anticipation of the Development's future attempts. "The Applicant has not proposed accessory apartments; however the co-lead agencies consider the construction of such apartments a reasonably foreseeable consequence of the Project."

In terms of water use, on page 1.0-7 you talk about 600 four bedroom homes, but you are tying bedrooms to gpd instead of the number of people residing within these homes. Bedrooms don't use water, people do. And accessory apartments would expand the need for gpd. You also state that the Project "would discharge sewage to a Satterly Creek tributary. How clean would this discharge be?

At the bottom of page 1.0-9 there is an implication that religion is at the bottom of the need for analysis of scenarios comparing the "effects of a Hasidic individuals owning and occupying the units as opposed to individuals of other religious backgrounds ". Let me make it clear that it is NOT the religion. It IS the demonstrated behaviors that concern the Village and the surrounding communities.

Since most of the Hasidic community goes to KJ/Town of Palm Tree for their shopping needs, the impact to local businesses would be minimal at best.

Short term employment would go up for construction, but what long term employment do the Developers refer?

Concerning Community Services, the Project's reliance on volunteers for ambulance service and fire prevention is nebulous at best. Training would be required to any volunteers and since beards do not allow for the safe use of masks for fighting fires, there is little prospect of this becoming a reality. As it is, KJ relies on neighboring Fire Departments in the event of indoor fires. You have NOT clarified this since prior comments and concerns were given.

A statement on 1.0-12 says the Village Board adopted a negative declaration confirming that the zoning regulation would not have the potential to generate significant adverse environmental impacts including community character. Really? It is beyond the pale to believe that that the Village Board and Zoning Code envisioned more than doubling the Village

population in one fell swoop. Can you honestly believe that that would not impact the community's character?

On page 1.0-12 Are the “60 acres of Village for public parkland” to be available to the entire Village residents?

Page 1.0-17 paragraph2 How were the future “peak pedestrian trips” generate by the Project determined. Some show that they go from one home's yard to another. Also, since it is stated that there will be a public accessible park and ride facility, have the Project developers spoken with the Short Lines Bus Company to set up a new pick-up and drop off location to their routes? This question was asked and remains unanswered.

Paragraph 3 Implies that the developers will be committing to implementing appropriate mitigation measures IF future conditions so warrant. What are those measures? Will money be placed in escrow for such a contingency? How much would that be and who or what agency would hold that funding, and how would it be secured? How accessible will the Developers be after Project completion?

1.0-24 The role of the Bankruptcy Court has no relevance to the Village since the Village is NOT in business with the Developers. However, anyone signing to do work for the Developers might well be concerned. They would not want to get paid pennies on the dollar for their work.

On page 3.2-9, if you do the math, the developers are anticipating a profit of \$55,215,000. Is that what the Bankruptcy court demands? Of course, they may find that expecting to get \$495,000 for a 4 bedroom house on less than ¼ acre might not be realistic, especially when a mortgage is required. Of course, since, as you say at the beginning of the DEIS that you are no longer planning to build accessory apartments and will leave that to the new home owners, that asking price might be even more difficult, assuming that you dutifully inform each prospective owner that they would have get approval from the Village Planning Board, along with the issue of installing plumbing,... This is turn would effect water usage in an area that is stressed with the water issues.

On page 3.2-10 are you actually saying that there are only 2.22 school age children per household? You know that your households have many more students than that. You are also stating that 600 accessory apartments would

add 763 people to the population. Does that mean that most will be occupied by single individuals? If the residents of these homes go above what you are implying, how will you keep up the water accessibility and quality?

In section 4.2 the statement that the planned layout would conserve outdoor water usage since, I'm assuming, there would be no room for a lawn for each house, but it does NOT address the pools and bathhouses included in the development. What is a bathhouse and how is it used? What would be the water usage with each pool and then with each bathhouse? How many would there be of each? How often would each be emptied and refilled? I've asked about this before and you have not responded to this. In an area so riddled with water issues, this is vitally important.

Good evening and Happy New Year. My name is Michael Killeen. I live on Helms Hill in Blooming Grove. I am the administrator of the Friends of Gonzaga Park Facebook page. I created the page for people to share photographs of Schunemunk Mountain, from Gonzaga Park to the Moodna Viaduct. I've been a volunteer trail maintainer on Schunemunk Mountain for 30 years.

I'm speaking this evening to express **my strong opposition** to the proposed Clovewood mega-development.

The scope of this development would greatly diminish the quality of life for current, **and future** residents of Orange County, Blooming Grove and the surrounding areas. Water continues to be an issue. Numerous experts have testified that the aquifer cannot sustain the increased usage, and the proposed development would undoubtedly stress the already compromised water supply.

Increased vehicle and pedestrian traffic on Clove Road and 208 will exacerbate these already congested and dangerous roads.

The **entire community** would be better served if the state would expand Schunemunk Mountain State Park and Orange County's Gonzaga Park. Anyone who has hiked on Schunemunk Mountain has experienced the uniqueness of the area. The state has seen an upsurge of visitors to nearby Harriman State Park and Schunemunk Mountain would provide much needed additional open space and a natural refuge for future generations. Once this natural treasure is destroyed, it can never be fully recovered.

It has also been reported that the development will be marketed to a specific cultural and ethnic group. This is **clearly illegal and definitely un-American**.

We must insist that the South Blooming Grove Village Planning Board respect the "Status Quo", and adhere to established sustainable development requirements.

The current administration in The Village of South Blooming Grove seems disinterested, and annoyed with the residents of their village, and neighbors in the town of Blooming Grove, who are fighting for the preservation of their beloved community.

Local government officials are expected to make decisions that **benefit and protect the entire community**. Not just a specific group, or self-serving developers.

Thank you for your consideration and please, Save Schunemunk, and **Stop Clovewood**.

Clovewood



There are many major issues which make the Clovewood project untenable. The sole issue of inadequate water and its many consequences should be enough to sink the project as proposed. Clovewood itself has insufficient water. KJ has denied providing a supplemental source and SBG's major issue is inadequate quantity and quality of water and cannot provide for Clovewood. No water, no building. A little water, a few buildings.

Among the other significant issues is the endangered/threatened Timber Rattlesnakes, which call the area home. A study was conducted in 2008 and addressed again in 2018 by Randy Stechert, the Timber Rattlesnake consultant and licensed in Endangered and Threatened Species. Granted, not an endearing species near to our hearts, but listed by the NYS DEC, meaning that they are "in imminent danger of extinction or extirpation" (dec.ny.gov). "All such species are fully protected, including their habitat." (dec.ny.gov). "Protection of habitat is now a primary concern" (dec.ny.gov). We needn't love them, but we MUST protect them.

Thirteen (13) separate dens have been discovered along the southeastern mountain slopes. These dens are ancestral and date back 5,000-7,000 years and have specific characteristics which enable the snakes to survive the winter and more. The snakes are consistent in their return to their specific dens and don't migrate elsewhere. Thus, they cannot be caught and just put somewhere convenient. According to the report "Without these ancestral den sites, contemporary populations of Timber Rattlesnakes in the northern latitude could not survive." It is not solely the dens which must be protected but the "basking, gestating, foraging and mate searching habitat within a recognized 2.5 (max 4.0) mile radius of the identified den sites." (Rattlesnake report).

Of the 120 snakes found on the mountain, forty-three (43) individual rattlesnakes were observed on the land now referred to as Clovewood. Thirty (30) from a den on the property and the remainder just 35m east of the property, within the 2.5 mile radius. "As a result of construction activities that destroy a den site and/or a primary basking/gestating areas can lead to the extirpation of a local rattlesnake population." . (Additional surveys were discouraged on this land by the client.)

In recent years, the development of Brigadoon resulted in the loss of 50% of the Timber Rattlesnake population. I have personal knowledge of 2 families who lived there. Both loved their homes, but would not allow their children to play outside for fear of the rattlesnakes. Both families moved. How will the residents of Clovewood like the same experience ?

Enclosed is a page summary from the report, listing mitigation recommendations including a buffer zone and easement; clearing debris between now and March; spacing of homes, manicuring those areas, and public education. This can accommodate construction without impacting the Timber Rattlesnakes.

Barbara Hanley

364 Lake Shore

January 3, 2021

Clovewood Public Hearing
1/5/2021

Dawn Salka
Woodard Road
Monroe

I have a few numbers to quote this evening.

1.1 in the Executive summary confirms that the Satmar Hasidic community would likely constitute a significant percentage of the homeowners within the Project.

3.3. Community Facilities page 3 table 332 states a population projection of 1,239 students at a cost of \$862/student but you report 2.2 children per home = 1,320. You are off by 81 and \$69K.

April of this year, the Orange County Planning Dept commented this project is expected to be occupied by Orthodox Jewish households, therefore the occupancy of each household is more likely to conform to the standards of the Village of KJ (5.62 people) giving us 3.6 children = 2,160 children, not 2.2 as in the 2010 KJ census, it is higher than that.

2020-2021 school year enrollment of the public-school student population is 3,723 and 1,016 are being transported to private schools. From 2019-2020 last school year there has been an increase in the enrollment of private/parochial by 426 students. And IF it only costs \$862/student, there should only be an increase of \$367,212

2016-2017 public school enrollment went from 4,163 to this year 3,723 a decrease of 440 students. With the decrease of those public-school students and an increase of 426 private school students, we had to increase our transportation costs \$740K.

Page 22 a survey filled out by the district Will the development of Clovewood impact your budget? Yes, transportation requirement of bus transportation to KJ".

The 531 homes in SBG that have already changed hands to the Satmar orthodox has already had an impact on the school district's budget.

WHAT will happen if this development comes to fruition if our transportation line item has been increased by \$740K with just an increase of 426 children. What will it be with 2,160? Five times that amount.

EVERY single number reported in your DEIs from your traffic study that is almost five years old (that does not include the # of current and proposed school buses, the commuter buses coming in and out of the three hundred spot park and ride, the cabs, the shuttles, the # of vehicles coming to events at the multiple community centers), number of children per household, percentage of open space,
- every single number is inaccurate.

This DEIS needs to be updated with the correct information so we have an accurate picture of the negative impact Clovewood will have on this community.

South Blooming Grove "Clovewood" DEIS Hearing

January 5, 2021

On the Satterly Creek, I tried to explore the site of the former Satterly's Mills. The owner called the police. The policeman advised me to explore the library instead. Here is what I found:

This neighborhood is a place of very early settlement. Nathaniel Satterly's mill is mentioned in the town-meeting of 1765. Uriah Crossman [my underlining] is the present proprietor. There is no other special business at this point. A Methodist society existed here for a time, and a house of worship was erected. It is evident from the frequency with which some of these names in the interior of Blooming-Grove appear in the Cornwall records that there was quite a population in this section --- perhaps nearly as many as there are now living in these rural neighborhoods; the military rolls given elsewhere for 1776 indicate this fact clearly.

This quotation is taken from History of Orange County, New York, compiled in 1881 by Ruttenber and Clark, considered the pre-eminent reference. In the library. However, this quotation contains an error. Certainly, Nathaniel Satterly was the original owner of Satterly's Mills. However, in 1872 after he had died, Julia Satterly bequeathed the property to his mechanic, Uriah Crosson --- not Uriah *Crossman*, as the present owner of the property believes.

Uriah Crosson was my great-great grandfather, married to Mary Madden, who inherited the property when he died in 1899. Their son, William, married Alice Cobb; in 1909, when he died, she re-married to Hiram Weller Bull, who farmed the golf-putting property that has recently been sold. As I have been told by Al Bull, my great-grandmother "married into" the Bull family. As Amy Bull Crist told me when I introduced myself: "There are Bulls, and there are Bulls."

My father told me that some of my ancestors farmed Schunnemunk Mountain, somewhere that I am still searching for.

Where am I going with all this boring biblical genealogy?

First, this is a reason for why I care, as I said in my earlier testimony: about the Moodna Creek and its tributaries, including the Satterly, and about Schunnemunk. (Full disclosure, once again, I am a Trustee of the Friends of Schunnemunk Mountain State Park. I am also a member of the Moodna Creek Watershed Intermunicipal Council, but speak for myself).

In honor of my ancestors, I care about the water, about effluent being released into the Satterly. And I care about preservation of the mountain, as I spoke about at the previous hearing.

But there is another reason why I care. My ancestors did not reside here forever. The natives did, for some 12,000 years. The name Satterly derives from a settler, but the word Schunnemunk derives from native language: "excellent fireplace." In honor of the original peoples, I care.

Maringamus, the legendary "last chief," had a "castle" on northern or northeastern Schunnemunk. He also had a "wigwam" in Washingtonville, the site of which is presently being destroyed, and lived in Salisbury Mills, Mountainville, Hamptonburgh, and eventually Ulster County.

No records about natives in South Blooming Grove have been found. The only hint is the name of one of the hills south of Round Hill. For years, I thought it was called Mosquito Hill, but another map calls it Musket Hill. This is more likely, reminding me of the Hudson residence on Hudson Road. In the basement, there were strange windows that the previous owner, Marie Scheppers, said were slots through which natives were shot. Shot. By muskets? Can it be that the legacy further south is one of shooting each other, rather than of the apparent peacefulness that existed between Maringamus and the settler Vincent Matthews? Or, can both be true?

In any case, to complicate my feelings, I care about the Moodna, the Satterly, and Schunnemunk because of guilt. One way or another, the "settlers," including my ancestors, did drive out the Indians.

And I watch the process being repeated. What we did to the natives is being done to us. We and our muskets drove them out. Now we are being driven out.

Maybe we deserve it.

To speak personally, as one person, a Quaker-Buddhist, I have tried the path of peace.

I have spoken about how hikers of both groups have long greeted each other in peace, as we hikers do. I advocate for preserving the mountain in perpetuity so that we can continue to do so.

I have spoken about my grandson, and my hope that he and the other children play in Gonzaga playgrounds together, and hike together. As Gonzaga opened, I welcomed the others.

I admit to inviting the peace group to Town meetings, and welcoming them. I have enormous respect for Rabbi Loeb and his group.

Three times, I have asked the Town Board to share facts and to discuss the situation with us, the citizens. I have asked them to confer with the peace group. No response.

What path shall I take now? I have shared with you my genealogy, searches into lost native history, advocacy, and my intimate feelings. Personally, where can I go from here? How?

Where can we go from here? How? I ask you, everyone, members of any and all groups.

I propose that we learn about each other.

I propose that we ask for help from mutually-agreed-upon person/s. For example, in 1944 Mayor Fiorello La Guardia established a Committee on Unity of New York City. Two persons who come to mind are Chuck Thomas, retiring Director of the Newburgh Free Library, and Rabbi Yoel Loeb.

I propose that, before continuing on the path of endless recrimination and lawsuits, we consider negotiation, even mediation. In the name of our children and grandchildren, I beg you to stop and think.

Kate S. Ahmadi, Blooming Grove citizen

Susan Blakeney
481 Clove Road
Monroe, NY 10950

15 January 2021

Public comments for Clovewood DEIS

Rattlesnakes

Please include the Rattlesnake Report from Randy Stechert to Attorney Dennis Lynch dated December 7, 2018 in my Clovewood DEIS comments.

Clovewood DEIS 3.6-14 states "The Project would not cause a reduction in population or loss of individuals of, nor a reduction or degradation of any habitat used by, any rare, threatened, or endangered species (as listed by New York State or the federal government)".

I disagree with this statement. Over the last few years I have had three rattlesnakes on my property at various times. As Rattlesnakes are an endangered species, then it must be known that rattlesnakes do frequent the Clovewood property as I have had them on my property. The first one I saw was in 2015. I notified the Blooming Grove police and they contacted someone to remove the snake from my area. The next one was in 2016 but it slithered away as I got home. The last one I saw was in 2019 and it stayed on my property for about a week.

Community Character

I have previously stated complaints about the Clovewood DEIS Community Character in my 11-25-2019 comments but here are a few more.

Comment from Clovewood DEIS 3.4-8

"(a) Land Use: The potential of the Project to generate significant adverse land use impacts is addressed in Section 3.1, which concludes that since the Project as proposed is consistent with all Village land use regulations without the need for any waivers or variances, the Project would not have the potential to generate any significant adverse impacts on land use and would be consistent with the Village community character and overall policy goal to maintain the character of the community."

I disagree with this statement. There are multiple significant adverse impacts on land use. Visually, as the homes in the surrounding Village of South Blooming Grove and Mountain Lodge area which have been stated as comparisons for Clovewood development do not have any resemblance to the homes proposed for Clovewood. The homes in Clovewood will be proposed 2 1/2 stories while most of the homes in the Village and Mountain Lodge are

small one story buildings. The size of the lots for these huge Clovewood homes is considerably less than homes in the Village of South Blooming Grove and Mountain Lodge.

Removal of forested lands on Clovewood also would impact the rural character of the village and Town of Blooming Grove. There are numerous streams on the Clovewood site which would be disturbed with this development. The diversion of the streams would definitely impact the flow of water on the site and into the Satterly Creek and would affect many living downstream of the Clovewood site.

Not to mention the impact of construction would have on all of the streams.

Regards,
Susan Blakeney

ROCKLAND ENVIRONMENTAL GROUP

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January 15, 2021

Village Board and Planning Board
Village of South Blooming Grove
811 Route 208
Monroe, New York 10950
ATTN: Kerry Dougherty, Village Clerk
Via: clerk@villageofsouthbloominggrove.com

Re: Clovewood
Draft Environmental Impact Statement
Review & Comment

Dear Honorable Members of the Village Board and Planning Board:

I am submitting these comments relating to the DEIS for Clovewood on behalf of CUPON Orange and neighbors and residents who live in South Blooming Grove within 500' feet of the above named project.

The DEIS is fatally flawed and therefore it cannot be the basis of an FEIS without first being significantly revised or amended. Due to the fatal errors, misrepresentations and omissions in the DEIS, the SEQR process cannot move onto the FEIS impact statement without significant changes to the DEIS.

Improper Co- Lead Agency

We agree with the Applicant that the construct of co-lead agencies creates unnecessary complications and delays. Co-lead agency arrangements for a SEQR review are highly unusual and generally frowned upon by DEC. Co-lead agency is only rarely used, and has been limited to SEQR reviews in which the agencies have equal jurisdiction, are in accord with one another, and have set forth agreed upon procedures by which they decisions are made. None of these conditions exist here.

The Boards were not able to even agree on the most basic ministerial acts. Based on the Village Board and Planning Board's inability to even agree on when the public hearing will remain open -- it is clear that the co-agency arrangement is untenable.

Co-lead agency requires DEC approval. At the beginning of this SEQR review on February 1, 2016 (Appendix N page 9) the DEC wrote that it had no objection to the Village of South Blooming Grove **Planning Board** serving as the Lead Agency. The DEC did not approve the Village Board as co-lead agency or even as lead agency and therefore the Village Board does not have the authority to act as lead agency in this matter.

This unusual construct of co-lead agency may have been an attempt to speed approvals along or for the Village Board to improperly participate in Planning Board land use determinations. In either event co-lead agency will complicate and slow the proceedings down, and muddy the waters preventing proper compliance with SEQRA. The proper procedure would be for a coordinated review to be conducted in which the Planning Board acts as the lead agency and the Village Board and other permitting agencies such as the DEC are involved agencies.

The Planning Board must be lead agency since the land use approvals for Site Plan, Subdivision and Accessory Dwelling Units are within its jurisdiction, are not within the jurisdiction of the Village Board. The few Village Board approvals can only occur if the Planning Board grants the land use approvals. The Village Board approvals are limited to granting an approval for a transportation corporation district, acceptance of dedication of parkland and MS4 stormwater permit. The Village Board is an involved agency, along with NYS DEC who has jurisdiction of permits for sewage treatment, sewer collection, SPDES, drinking water withdrawal, Article 15 Protection of Waters, Article 24 Freshwater Wetlands, Article 11 incidental take permit for Timber Rattlesnakes; United States Army Corp of Engineers for 404 Permit; Orange County Department of Health for realty subdivision approval; New York State Department of Transportation and Orange County Department of Public Works for road improvement permits.

Furthermore the Boards have not agreed to any procedures or mechanisms by which joint Findings will be made. Will each member of each board have an equal vote? Or will each board make it own decision, which may result in the inability to have conclusive findings.

Here, a standard and straight forward coordinated review is the correct procedure. Thereby, each agency would issue its own findings. The Planning Board must be made the lead agency as the application is for subdivision, site plan approval for which only the Planning Board has jurisdiction and the Village Board does not have jurisdiction of these matters.

It is also apparent that there was much confusion and possible disagreement between the Village and Planning Board regarding acceptance of the DEIS as complete, and which even lead to the creation of unique and new SEQR terminology of "claimed completeness". The term "claimed completeness" is not found anywhere in the SEQR handbook or regulations and has been created out of whole cloth by the

Village consulting attorney because the two agencies did not agree on when, and if the DEIS was complete.

It appears that there has been a fundamental disagreement between the co-lead agencies as to whether the DEIS was complete as the “claimed completeness” is not actual completeness. If as here a lead agency does not agree with the notice of completion it may invite public comment related to the disagreement, in addition to comments on the draft EIS itself. Additionally, a lead agency should repeat its criticisms of the draft EIS as written comments during the public review and comment period. This process will allow the disagreement concerning EIS content to be resolved via the lead agency’s responses to comments in the final EIS.

Pursuant to New York State General Municipal Law §809 it is necessary that affidavits are provided that the ownership, partners and/or members of Keen Equities the applicant, are not officers or employees of the Village, or are related to any such owners, partners or members or employees of Keen Equities.

Improper Municipal Approval of Segregated Housing

The Project has been repeatedly defined and described in the existing public record as a project which is to be “by-design, wholly populated by the Satmar Hasidic community”. Table 321 shows the existing racial composition of various area municipalities. It identifies that the racial composition of Kiryas Joel to be 99.6% white. However, the Village of South Blooming Grove and other surrounding municipalities consist of a much more racially diverse population.

Village of South Blooming Grove is 76.8% white;
Town of Blooming Grove is 83.7% white;
Town of Monroe is 87.4% white.

It should be noted that the data provided for the Village of Washingtonville appears to be wrong and needs to be corrected. Although it is not provided in the DEIS, but should be, based on the United States census data Orange County is 79.8% white; New York State is 68.6% white; and United States of America is 76.7% white.

The U.S. Census data provides clear evidence that Hasidic communities are overwhelming all white. Along with Kiryas Joel being 99.66 white, in neighboring Rockland County other Hasidic communities such as the Village of New Square and Village of Kaser are 100% white, while Monsey CDP is 97.1%.

Thus, by designing this project to be wholly populated by Hasidic is tacit acknowledgment that the project will be an exclusionary all white development, which racially discriminates against non-white people.

Currently homes for sale or rent within the Hasidic communities in Orange and Rockland County are not made available for sale or rent to people outside the all-white Hasidic community, as they are not listed in English language media or on English language multiple listing services (MLS). At a minimum the Village must require that all housing be made available for sale or rent in English speaking media and on English MLS advertised for all of Orange County, New York. Racially exclusionary housing violates of the Fair Housing Act and a secular Village cannot approve or permit discriminatory housing. The Village must prohibit pre-selling of any units and must be given a list of any units that will go for sale or rental, and immediately post them on the website. No sale or rental should take place before the site has been listed for at least ten days, to avoid pre-selling within the exclusionary all-white Hasidic community, which results in no units being available to racially diverse families.

The housing being proposed is limited to only designs that would be of interest to white Hasidic residents and will perpetuate residential segregation and/or disproportionally affect minority groups. See *NAACP v. Huntington*, 844 F.2d 926, 935-36 (2d Cir. 1988), and therefore violate both the federal Fair Housing Act and New York State Human Rights Laws. The design of these units are discriminatory against anyone who is not interested in having two kitchens, a feature specifically desired by the all-white Hasidic community.

The floor plans included in the DEIS show that the two different style units, Heartwood and Sapwood, both are designed to have a minimum of four bedrooms, with two kitchens. It is also clear from the plans that other rooms can be converted to additional bedrooms, as they contain closets and are large, and therefore may result in units actually containing six bedrooms instead of four. New York State Town Code 9CRR-NY 1610.4 defines a second bedroom to be 115 sq ft or greater – both the additional rooms in the Heartwood design are significantly larger than 115 sq ft and contain closets. Therefore the bedroom count for the Heartwood units should be 6 bedrooms plus an accessory apartment with 2 bedrooms in order for an accurate bedroom count to be realized.

The Sapwood floor plans show the accessory apartment to be located in the basement, yet this is specifically prohibited by Village Zoning Code §235-45.6A (6) which states that “No accessory apartment unit shall be located in a cellar.” Therefore these floor plans must be changed.

Furthermore pursuant to Village Town Code §235-45.6 (3) an accessory apartment cannot exceed 750 square feet in size, and (9) Occupancy of the accessory apartment shall be limited to parent(s) or grandparent(s) of an owner-occupant of the principal dwelling unit and shall be limited to no more than three individuals. The DEIS must reference these requirements and provide a mechanism by which these code requirements will be enforced.

"The community preference only serves to perpetuate segregation in the Broadway Triangle" *Broadway Triangle Cmty. Coal. v. Bloomberg*, 941 N.Y.S.2d 831, 837 (N.Y. Sup. Ct. 2011) There can be no compliance with the Fair Housing Act where the Village has not analyzed the impact of the community preference (see *Langlois v. Abington Hous. Auth.*, 234 F.Supp.2d 33, 70 [D.Mass. 2002]).

The Village required that DEIS be based on the population characteristics of Kiryas Joel and not those currently existing in the Village of South Blooming Grove where it located. This is not only discriminatory, but also improperly inserts the community character of a different municipality onto the Village.

The goal of the Fair Housing Act is to promote "open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups whose lack of opportunities the Act was designed to combat" (*Otero v NYCHA*, 484 F.2d 1122, 1134 [2d Cir 1973]). The Fair Housing Act provides that it is unlawful to "otherwise make unavailable" or deny a dwelling to any person because of race, among other things, and to discriminate against any such person in the terms, conditions or privileges of sale or rental of a dwelling (42 USC § 3604 [a] [b] [c]). The phrase "otherwise make unavailable" has been interpreted to reach a wide variety of discriminatory housing practices, including discriminating zoning practices (see *LeBlanc-Sternberg v Fletcher*, 67 F3d at 424 n.1, *supra*).

The Village must meet "their duty to affirmatively further fair housing, which included an obligation to investigate the potential effects of their proposed residency preferences before their implementation" *Broadway Triangle Cmty. Coal. v. Bloomberg*, 941 N.Y.S.2d 831, 838 (N.Y. Sup. Ct. 2011)

By processing an application for a housing project which is being designed for Hasidic families the Village is enabling the creation of exclusionary housing that improperly bars racially diverse residences. Where a municipality creates a land development plan or zoning classification, which discriminates, even though the plan is effectuated by private developers it violates the Fair Housing Act (see *Town of Huntington v Huntington Branch NAACP*, 488 U.S. 15, 109 S. Ct. 276, 102 L. Ed. 2d 180 [1988]; *Rivera v Village of Farmingdale*, 571 F. Supp. 2d 359 [EDNY 2008]). Thus, the Village's actions in considering an exclusionary all-white Hasidic development creates housing which results in disparate impact to non-white citizens which violates the Fair Housing Act (see *J.A. Preston Corp. v Fabrication Enterprises, Inc.*, 68 NY2d at 400, *supra*).

The EIS must provide a full analysis of the size of housing units needed by the existing non-white population in South Blooming Grove, the Town of Monroe and Orange County, not only those of neighboring municipality Kiryas Joel.

To prevent discriminatory housing the Village should mandate bedroom mixes in all proposed developments of 1, 2., 3, 4 and 5, bedroom rental/condo or other forms of units or houses, and should mandate that housing units are not designed with two kitchens,

which are only attractive to only all-white Hasidic families. *Broadway Triangle Cmty. Coal. v. Bloomberg*, 941 N.Y.S.2d 831, 838 (N.Y. Sup. Ct. 201). Continuing to process this application for the development of segregated housing is improper. The only way to cure this serious federal law violation is for a new DEIS to be created which is not based on floor plans that are designed solely for needs and desires the all-white Hasidic community.

The DEIS does not provide any source or study documenting that there is a critical need for housing and that the demand is predominantly from the neighboring Town of Palm Tree where the Kiryas Joel Hasidic community is located. And if such a need exists there is no evidence or even statement that there is a need for housing for the existing residents of the Village of South Blooming Grove. Statements such as "irrefutable fact" do not belong in a DEIS document in the absence of supporting data and must be removed. Statements without supporting evidence can only be characterized as the opinion of the Applicant.

It is highly inappropriate and incomprehensible to include reference in the DEIS to the Town of Monroe Master Plan and Long Island, as the Village of South Blooming Grove is located in the Town of Blooming Grove and not in these unrelated areas. All reference to Monroe and Long Island must be removed from the DEIS.

Impacts to Community Character

Racial diversity is a major component of community character and as such, the maintenance of such diversity is a valid environmental concern. The change in community resulting in lack of racial diversity in the proposed development is not addressed, and must be.

Nor does the DEIS address the impact on community character caused by the proposed development doubling the size of the current existing population of South Blooming Grove.

It is acknowledged that the population of the Village is 3,182 people and the projected population of the project, will be at a minimum 3,058 people and the project would nearly double the population of South Blooming Grove. In the *Matter of Tuxedo Conservation & Taxpayers Assn v Town Bd* 69 AD 2d 320 the Court found that failure to consider the change in community character by vast increase in the existing population did not satisfy the requirements of SEQRA.

The DEIS does not consider the change in development density and how that impacts the change in community character. The conclusion that the Village is densely developed is not supported by the DEIS data. Based on the United States census data the current population density in South Blooming Grove is 519 people per square mile, the Town of Monroe population density is 1998 people per square mile and in Orange County the population density is 459.3 people per square mile, whereas Kiryas Joel's population density is 18,192 people per square mile. If the project is developed as currently proposed it would double the population density in the Village of South Blooming Grove. The impact on community character caused

by this dramatically increased development density is not identified or considered in the DEIS.

Page 3.4 -22 states that proposed development would cause the Village to be more consistent with the character of all of the other villages and their communities” is an acknowledgement that the proposed development will change the community character of South Blooming Grove. The Village of South Blooming Grove zoning code emphasizes an overall policy goal to maintain the rural character of the area and not become like other surrounding areas.

The breakdown of lot sizes provides the appearance that the proposed lots are comparable to other lots in the Village, but it is inaccurate and untrue. Actual lot sizes in each neighborhood should be identified, housing sizes identified, and then compared to what is proposed. The smallest lot size in the existing South Blooming Grove neighborhoods is 12,500 sf, which is substantially larger than the Clovewood lots. The data contained in the DEIS is wholly incorrect. There are not 250 parcels in the Village that are less than 3,000 square feet. Using GIS data, the Planners identified that only 17 lots are below 10,000 square feet. This needs to be corrected as it is invalid. And prevents decision makers from making a reasoned determination about the impacts of the proposed development.

The DEIS correctly identifies that the Village is characterized by varying styles and sizes of homes mostly located on lots of half an acre. The proposed project envisions rows of housing that are uniform in size and style creating homogenous and monotonous boxes of housing on lots that are on 2/10 of an acre and will result in a significant change to the community character. Three of the proposed new lots would fit into the existing average 0.58 acre lot size in the Village.

The DEIS incorrectly and improperly concludes that the proposed development will not have adverse impacts on community character or required mitigation measures to prevent negative impacts due to change in community character.

Lack of Affordable Housing Standards

The RC-1 zone requires 10% of housing be affordable. The application only makes reference to the affordable housing units associated with the density bonus in the RR district, but does not set forth the required affordable dwelling units required as per the RC-1 district. This needs to be corrected.

The current proposal does not provide for 10% of 600, 60 housing units to be affordable housing units, this needs to be changed. By failing to require enough affordable housing within the large multifamily development the Village is pushing out lower income multiracial population. The large housing units, with two kitchens, just by their large size alone cannot be considered affordable and the Village should require a mix of housing types to ensure affordability.

The Village should require that affordable housing be administered by an independent agency that is authorized by H.U.D. to do so in compliance with their rules and regulations. Additionally the Village must require that the affordable housing cannot be sold or transferred without deed restrictions to the benefit of an affordable housing advocate or its successors and in compliance with H.U.D. rules.

The comparable report submitted to support what the current market value price for homes in the DEIS uses only 12 homes as selected evidence to support the market value of homes. The market value has not been determined based on an objective comparables report or market analysis. Using the Trulia home values above, the average market value of \$397,000 is achieved, and not the \$495,000 market value in the DEIS and revised DEIS. There is no objective market data support on which the \$495,000 market value is based.

The DEIS must be revised to include at least 2- 3 current comparable price comparisons by certified appraisers, so that Village decision makers can make rational decisions.

Improper Segmentation

SEQRA states that: "(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible." It is improper segmentation if a project developer excludes certain activities from the definition of a project for the purpose of making it appear that adverse environmental impacts have been minimized for the purposes of circumventing the detailed review called for under SEQRA (*Matter of Schultz v Jorling*, 164 AD 2d 252).

The initial application before the Village included nonresidential development. This development was eliminated from the plan. However, 22 acres of land has been set aside for future development and the DEIS indicates it is for future purposes.

By excluding from SEQRA review 22 acres, which are being reserved for later development (see Scoping page 6) and excluding the 160 acres owned by the project applicant, shown on Figure 3.4-1 which is adjacent to and contiguous to the project area, and which was originally part of the proposed project site (DEIS chapter 3.4 page 6 other land owned by Kean Equities) creates improper segmentation. These large parcels of lands are identified as being reserved for additional future development. It is improper segmentation to not identify and consider the cumulative growth impact of the development of the project area along with the 22 acres of future development and 160 acre parcel. Development of these two parcels, which are under the control of the project sponsor, must be fully considered in the DEIS to avoid improper segmentation.

The overall density calculation does not account for build out on the 22 acres which the Applicant states is reserved for future development. If the EIS does not consider the 22 acres and 160 acres, then the Village must require at a minimum, a statement should be made that no further development will be constructed to avoid improper segmentation. The scoping document even says that it will be subject of future development review.

Additionally Figure 341 show that an adjacent parcel of 160 acres is under the ownership of the project sponsor Keen Equities. SEQRA requires that the potential development of all contiguous land under the project sponsor's control must be considered and analyzed in a single SEQRA review, and not segmented into separate parts. Even if the project sponsor currently has no plans to develop the property, its maximum potential development must be considered to comply with SEQRA.

The segmented review set forth in the DEIS is a fatal deficiency and can only be remedied by significant revisions to the DEIS, that consider the potential impact of developing the 160 acre contiguous parcel under the control of Keen Equities and the full development of "reserved" 22 acres.

Another way to avoid improper segmentation is for Keen Equities to deed the 22 acres and the 160 acres to be dedicated and preserved as open space in perpetuity.

Inaccurate Density Calculations

There is no discussion of the compatibility of 7,000 square foot lots with buildings with a massing of 3,750 square feet compared to existing larger residential lots in the village. The revised DEIS does not have any discussion of lot size and bulk requirement analysis and is deficient.

The RC-1 zone requires that dwellings be specifically located on a lot with a minimum lot area of one dwelling unit per 3,000 square feet. A conventional layout showing how many dwelling units can be constructed needs to be shown before this density can be transferred elsewhere on the site. The DEIS has not properly determined the yield. A map of the RC-1 district, showing the environmental constraints and a feasible conventional layout showing how many dwelling unit can be constructed needs to be included in the DEIS, before housing density can be transferred to the RR district.

Additionally the RC-1 district requires that ten percent of the dwelling units be affordable. The application only makes reference to the affordable housing units associated with the density bonus in the RR district, but does not set forth the required affordable dwelling units required as per the RC-1 district.

Open Space

The application refers to land being set aside for open space at this time, in exchange for allowing clustering. As such and pursuant to NYS Village Law 7-738(3)(c)

the Village should require that the lands identified as open space, be permanently and dedicated as parkland, or deeded to the NYS Parks Commission or Orange County Land Trust to preserve them as undeveloped lands in perpetuity. If such dedication is not required then the DEIS must consider the cumulative impacts of development of all the lands at future date, even those identified as open space.

Land identified to be open space should be required to be dedicated as park land, to be administered by either Orange County Land Trust or the County of Orange.

An analysis of the viability of the 60 acres for public parkland has not been provided. A discussion of parkland's ability to provide the recreational needs of the community, within the context of the developable area of land within the 60 acres must be provided. Much of the 60 acres identified as being set aside for open space are wetlands including over 20 acres of regulated by NYSDEC wetlands.

As set forth in Chapter 120, "Land reserved for recreation purposes shall be of a character and location suitable for a playground, playfield or other recreation purpose, and shall be relatively level and dry." Neither the pond referenced on p. 2.0-15 nor the wetlands and wetland buffer meet this requirement. It is necessary for there to be a clear identification how much of the 60 acres is not wetland, and can be used as open space. The viability of locating active recreation facilities within the 60 acres area, with DEC wetlands and associated regulated area, is not evaluated. The DEIS needs to demonstrate how this is met.

Throughout the DEIS differing amount of area of disturbance are cited, this results in inconclusive and contradictory statements regarding the amount of open space and must be remedied prior to an FEIS being ordered. The various amounts of disturbance range from 136 acres, 165 acres, 178.7 acres, 198.7 acres to 265 acres. This is confusing and must be clarified and remedied prior to any further processing of this application.

It appears there is an attempt to take credit for "open space" which is integrated into the overall footprint of the developed area. The entire developed area encompasses approximately 413 acres or 60% of the project site. Therefore only 40% is preserved as is". Once the highly fragmented open space areas, and community center buildings and improved recreation areas are added the total developed area is approximately 502 acres or about 73% of the project site. These calculations of disturbed area need to be included in the DEIS so that environmental impacts can be properly identified.

Pursuant to Village code Chapter 235-14.1.c(3)(m) Open space areas shall be preserved in open space, with 10% designated for active recreation. It is unspecified and undefined how the three proposed community centers will be used, the Village Code does not provide that community centers can be used for religious services. Under the Village Code (§235-4) under recreation swimming pools are permitted however it is unclear whether the proposed swimming pools will be public swimming pools or religious bathhouses (mikvas), which doesn't not fall within recreational use. The DEIS must

clarify the use of the proposed community centers and recreation areas and prior to approval covenants must be required to enforce the use of community centers and recreational areas as required by Village Code.

The Village of South Blooming Grove contains 216 acres of public park lands, so the statement made that the land set aside would be the only public parkland in the Village of South Blooming Grove is wrong and needs to be corrected.

DEIS Fails to Consider Cumulative Impacts

The DEIS inaccurately describes the surrounding land uses as adjoining multifamily dwellings, this is not true. The surrounding lands are either vacant land, single-family detached dwellings, and a shopping center. This needs to be corrected.

The DEIS incorrectly states that “cumulative impacts are either non-existent, nor significant or positive with respect to all elements examined. Therefore, no further mitigation is warranted.” 3.17.-1 This section fails to consider the cumulative impacts of future development of 182 acres –does not consider the cumulative impact that result from the change in community character from a secular community to a Hasidic community. Nor does it fully consider the cumulative impacts of increased municipal services, fire, police, and a host of other cumulative impacts including water usage, sewage, and solid waste disposal created by the development of a housing development which doubles the current size of the Village.

As noted in the Planner comments of December 2019, 3.1 #17 the Applicant has stated that the development will occur on 140 of the 708 acres of land. Yet in other sections of the DEIS, i.e. the archaeological analysis it is noted that 265 acres of the site will be disturbed. This discrepancy of 125 acres in the total area of disturbance of this site must be clarified. Without an accurate and consistent estimate of disturbed land – no one can make rational and reasonable land use decisions about the cumulative impacts on many environmental factors, including drainage, wetland impacts, endangered species, etc. and must be corrected to be consistent throughout the DEIS.

Incomplete submission for General Municipal Law §239m review and lack of required identification and analysis in DEIS requires that a Supplemental EIS be conducted

The DEIS does not contain the following necessary information for the Planning Board to be able to identify, analyze, consider, and make rationale and reasonable determinations regarding the environmental impacts of the proposed project, as required by SEQRA, even though the Scoping document required baseline assessment of existing site conditions:

- Complete mapping of all surface waters and tributary streams are not properly provided in conjunction with proposed building. Streams shown in the Freshwater wetland map in Appendix E should be shown in Figure 382 in order to see where streams are proposed to be disturbed. It appears that several streams (stream 4 and stream 1) will be impacted by building footprints as well as by roadways in contrast with the statements in part (a) of p 3.8-5. Without adequate mapping impacts to the bed and banks of any streams cannot be properly determined. It appears that construction is planned on top of existing streams and surface water. The roads within the development cross stream corridors. Under the Village Code there should be 100 foot buffer surrounding certain water resources but is not clear from the code where this buffer is required and it is not clear from the plan where it is being provided. Without complete mapping of the tributary stream system on the site decision makers cannot evaluate what impacts the development will have on the Moodna watershed.

The DEIS falsely states that “none of these steep slopes are located in the area proposed for development.” (DEIS page 3.7-3) Both the map in the DEIS and Addendum show that construction will take place on many of the steep slopes. Revising the layout is necessary to avoid steep slopes.

- Furthermore, the Addendum provides a revised map of the steep slopes of over 25%, but is confusing since the map is identical or nearly identical to the map included in the DEIS which shows the same steep slopes to be 12%. No explanation is provided for this inconsistency. Additionally the DEC requirement is for mapping of slopes of over 15% or more – therefore a map showing only over 25% does not fulfill the DEC requirements.
- Mapping of the existing trees is not included in the DEIS even though the Scoping Document requires that specific impacts due to tree removal must be evaluated. . of the layout. Although in Appendix N, the comment response 60 on page 56, states that a map has been submitted to the Village with a Land Conservation Analysis which shows an inventory of large trees- this does not appear to be included within the DEIS. The discussion on trees over 12 inches on page 3.1-15 in section 3.1 of the DEIS is not sufficient, as the location of trees over 12 inches is not shown and cannot be confirmed;
- Figure 374 does not properly identify the project site.
- The DEIS contains inconsistent wetlands maps,. Twenty-three (23) of the thirty-six (36) acres of wetlands are DEC jurisdictional wetlands. Many of streams which feed and connect the wetlands are surrounded or covered by buildings or roads.. A breakdown of the acreage of wetland, wetland buffer area and usable recreation area is necessary.
- The surface water streams are shown on the map included in the Addendum, however there is no discussion of the impacts the development will have on these

surface water streams. Village Code 235-14.4.E. Surface Water Overlay District requires a one-hundred-foot buffer strip to be maintained along the edge of *any* stream, lake, pond, or other water body, including wetlands and any associated one-hundred-year floodplain boundary. This setback shall apply to all uses. Setbacks shall be measured horizontally from the mean high water line of the watercourse. This buffer setback is not shown on any maps and has not been incorporated into the project plans.

- Table 364 of the DEIS estimates that 22, 457 linear feet of the unnamed stream will be located within the project site and 7, 215 linear feet will be impacted as shown on Figures 362a and b. However there is no discussion, consideration or analysis of the impacts of the development on the streams. But rather the DEIS falsely states that the “Project does not have the potential to generate any significant adverse environmental impacts on regulated wetlands or surface hydrology and therefore no mitigation measures are required.” Tables 364 and 362 a and b show that 32% of the sites watercourse will be directly impacted or covered by roadways, residential lots and residential structures. This is a fatal flaw to the DEIS and must be revised prior to an FEIS being ordered.
- A map of the public parkland, and proposed access relative to wetlands and other limiting environmental features in the 60-acre area must be provided;
- Infrastructure locations have not been mapped which are located in the open space area. The lack of utility mapping results in the public and agencies, including NYSDEC, not receiving a full understanding of the impacts that will occur to the open space, aka, timber rattlesnake, areas. There are numerous wells which will require access roads to get to them. These are not shown and is an omission which must be corrected.
- The Scoping Document indicates that the need for religious places of worship was to be discussed which is not provided;
- The preliminary conservation area identified within the DEIS as noted in Land Conservation Analysis totals 36.86 acres. This does not appear to be subtracted from the total acreage to determine buildable acres on the site plan;
- Calculations of base lot count are not substantiated without completion of Land Conservation Analysis.
- Existing Conditions section does not discuss the existing bulk requirements, zoning districts, overlay districts, and all zoning provisions that apply to the development. A map has not been provided showing the base and overlay zoning districts superimposed on the site with and without the development (including topography and wetlands). There is no quantification of the extent of each district on the project site. The overlay district regulations are overly generalized, and need to be described by district. Also, the Biological Overlay District and Surface

Water Overlay Districts are not described. The consistency with the Surface Water Overlay district is not described.

- Appendix N, references a map submitted to the Village with a Land Conservation Analysis shows an inventory of large trees, yet inexplicably this maps in not included in the DEIS. The discussion on trees over 12 inches on page 3.1-15 in section 3.1 of the DEIS is not sufficient, as the location of trees over 12 inches is not shown and cannot be confirmed. As these resources are not mapped, the Land Conservation Analysis is not complete.

This many missing planning document discussed above make it impossible for the lead agency to identify, take a hard look or make a reasoned determination. Therefore we are notifying the Village that prior to any further consideration the above information and the tree map needs to be made a part of the DEIS.

Since the DEIS contain maps which include some, but not all the resources, and then in the Addendum has a maps which also show some, but still not all the resources, and there is not necessary reference or discussion of the environmental constrains shown on the maps the DEIS is incomplete and inaccurate and must be amended prior to an FEIS being ordered. . ;

Adequate Water Supply

The lead agency must require that prior to any additional approvals or actions the Applicant obtain from the NYS DEC and Orange County Health Department confirmation that there is an adequate clean water supply and sewage discharge capacity for the proposed development.

There are historic water problems in the Village of South Blooming Grove for many years relating to both quantity and quality of water. Before any approvals for this project can be granted the lead agency must confirm that there is adequate water supply not only for the new residents, but also that existing residences wells and water supply will not be negatively impacts.

Section 2.9 estimates the potential water demand with accessory apartments at 377,400 gpd, but Section 2.10 estimates the potential sewer demand at 273,600 gpd. These number need to be the same. Based on bedroom count of 4 bedroom per main unit and accessory apartments with 2 bedrooms at 110 gpd for 600 units the total should be 396,000 gpd. Furthermore since the Heartwood floorplans show a potential for 6 bedrooms, the gpd will be 462,000 gpd. The highest number should be used to insure adequate water supply.

Unless and until it is confirmed by the DEC and Orange County Department of Health that there is adequate water supply for both the existing residents and the new

residents of the proposed project, which will more than double the need for water in South Blooming Grove, the lead agency must reject this project.

Parking

Appendix N responses to this general comment provide reasons for the changes and indicate many were at the request of the Village, of which those requests are undocumented. Also, comments regarding the policy position of various state agencies are not documented. The DEIS does not provide any information as to where the buses, will be parked when not in use.

Village Code § 235-23 requires a minimum number of off-street parking spaces to be 2 spaces for residential single-family detached dwelling unit and 1 spacer per accessory apartment plus ½ space per bedroom in each dwelling unit.

Therefore, the Sapwood unit and its accessory apartment having a total of 6 bedrooms requires 3 parking spaces, whereas the Heartwood units having a total of 8 bedrooms requires 4 parking spaces.

HOA Covenants Not Set Forth even though required by Scoping

The scope requires a discussion of proposed covenants or HOA documentation - the DEIS does not include a narrative as to what such covenants will contain, and what restrictions will be placed on the land, especially since the "open space" has wells located within it. This is a DEIS omission that must be corrected.

There is no explanation as to why the DEIS states that the HOA facilities will not be taxable. Does this statement imply that the HOA facilities and recreational community centers will be used solely for religious purposes. If so, then they do not meet the definition of recreational community centers and should not be permitted. Since this is presented in the DEIS it is imperative that the lead agency require covenants that runs with the land that prevents such community centers from being used for religious purposes, as community centers are to be "open to the public", and not limited to one religious group.

Phasing Plan Not Provided

PC 25 A phasing plan is not described. The only reference to phasing is a request to all for 15 acres to be developed at a time instead of just 5.. A phasing plan must be provided so environmental impacts can be identified and evaluated.

Development Transfer Rights

The RC-1 district yield is not determined in accordance with RR district yield requirements. It is a separate district within which it must be determined how many lots are achievable before they can be transferred. If the entire RC-1 zone were, for example,

wetlands, an Applicant could never achieve that yield on-site to then transfer it elsewhere. Any yield determination in the Scoping Document is subject to further site plan and SEQRA review and is not definitive, and this must be made clear in the DEIS.

Population Projections impact on Community Services is Inaccurate and Misleading

The existing accessory apartment unit regulations allow up to three persons in each accessory apartment. Scoping requires all 600 units be evaluated as two bedroom units, but the DEIS only considers half the accessory apartments as one bedroom, and half as two bedroom in contradiction with the Scoping requirements. There is no basis or support for the 25 percent increase in population examined in the DEIS. It is only based on one bedroom accessory apartments, however Scoping requires it be analyzed to be two-bedrooms for all 600 units. This will increase the population projections by 50% per unit. Additionally the Heartwood apartments need to be calculated to have six (6) bedrooms, not four, which also increases the potential population.

It is unclear in the DEIS as to whether the accessory apartments are in addition to the 2,500 and 3,750 square foot dwellings or is the accessory apartment square footage included in the 2,500 and 3,750 square foot dwellings. This must be addressed to evaluate projected population numbers. Pursuant to Village code accessory apartments may not be larger than 750 sq. feet.

Table 327 does not include a worst-case analysis of population growth, as it underrepresents the potential population in the accessory apartments and assigns a vacancy rate to new housing units. The projections need to be revised.

The New York State's Monitor report of 2014 – found that in the East Ramapo School District, where a large percentage of the children attend private religious schools, 26% of the total budget was spent on special education. At the time of the report the percent of private students was 73% (24000/33000) and 26% of the private students would represent 18.9% of the student body. Thus, nearly 20% of the total school budget is spent on special education for private students. This information must be included and reflected in the DEIS to provide accurate estimate of the cost impact the proposed development will have the existing residents of South Blooming Grove.

The cost projections for each resident of the Village are inaccurate and misleading and must be corrected. Instead of the project cost being only \$150 per person, a more accurate estimate of cost per person is approximately \$437.42 for the Village alone. And the Town and County costs per persons calculate to over \$600 per person for the Town and \$1919 for the County. These numbers must be corrected in the DEIS, otherwise decision makers will be relying on inaccurate and misleading calculations regarding the impact of the proposed development.

Revision to the DEIS are necessary before an FEIS can be ordered

Throughout the DEIS there are misleading and improperly conclusory statements – the DEIS should not include premature conclusions which are the sole purview of the lead agency. For example on page 3.1-12 that statement that the Overlay Districts “would have no impact upon the Project’s development as the Project would comply with all Overlay District regulations” is improper and must be removed.

Another example of improper conclusory statement is on page 3.4-1 where the DEIS states that the proposed Project will “not have the potential to generate any significant adverse impacts upon community character. There is no rational basis for any different conclusion for the Project.” Not only is this a wholly inappropriate statement for a DEIS, the fact that a positive declaration was made contradicts this unsupported conclusion – and as such this statement must be removed from the DEIS.

Yet another example of a conclusory statement that does not belong in the DEIS and must be removed, is that the project “would not result in any significant adverse impacts upon flora and fauna” (DEIS page 3.6.-19) even though there is to be removal of approximately 198.7 acres of natural vegetation.

It is inappropriate for the DEIS to contain the unsupported opinion of the applicant regarding what a Court might decide (page 4.0-5). Furthermore the conclusion stated in the DEIS that the alternatives presented are not feasible, is not for the Applicant to make in the DEIS, but is a determination that must be made independently by the lead agency – thus any such conclusory statements must be removed from the DEIS prior to any further processing.

The alternative of 10 acre lots permitted under the Village Code is a feasible and reasonable alternative given the need for additional local farm lands due to the recent COVID-19 pandemic. Yet due to improper conclusory dismissal of this alternative by the Applicant, the DEIS does not provide required fiscal viability.

Similarly the statement that “The Project would not result in any unavoidable adverse impacts” (page 5.0-1) is laughable and inappropriate and must be removed. The many significant avoidable impacts include removal of at least 175 acres of flora, disturbance of 7,215 linear feet of watercourses, construction on steep slopes, increase of impervious surfaces of at least 56 acres and destruction of existing wildlife habitat. It is arrogant for the Applicant to make such conclusory remarks, and are proof that the DEIS for this proposed project are improperly biased and should be rejected.

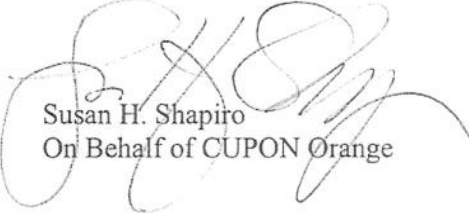
Most egregiously, the DEIS concludes, without any justification, that the Bankruptcy Court will not accept various alternatives. The Bankruptcy Court has no jurisdiction over land use determinations and the Applicant does not have a vested right to the proposed project on the subject property. All references to the Bankruptcy Court are wholly irrelevant, misleading and misplaced in the DEIS and must be removed. Bankruptcy or the financial hardship of the Applicant is not relevant to land use determinations to be made by the municipal decision makers. It is highly inappropriate for the Applicant to have included such references in an attempt to influence the Board.

In Conclusion

For all the reasons set forth above the DEIS is fatally flawed and contains incomplete and inaccurate information which must be corrected. Given the depth and breadth of errors and incomplete mapping it is legally necessary for the lead agency to require another Addendum to the DEIS or otherwise a Supplemental Environmental Impact Statement will be necessary to cure the defects of the DEIS as currently presented.

An Final Environmental Impact Statement cannot and will not cure the defects in the underlying DEIS documentation, therefore either a SEIS or an significant addendum to DEIS must be ordered. Failure to do this will result in increased likelihood of years of litigation and delay.

Sincerely yours,



Susan H. Shapiro
On Behalf of CUPON Orange

Clerk

From: erin smith <emcallister19@gmail.com>
Sent: Wednesday, January 06, 2021 10:37 AM
To: Clerk
Cc: erin mcallister
Subject: comments from public hearing regarding clovewood deis

Good morning,

I have read through the DEIS and I find many parts to be confusing and conflicting with information. I hope that the village has done their due diligence and is doing whatever they can do to stop the Clovewood Project.

My first issue is with water. The village of South Blooming grove already has many issues with water, brown murky dirty water for many families is already a constant problem. Constant water main breaks and water problems. Villagers aren't able to water their grass or wash their car because there isn't enough water. We do not have enough water to sustain 600 new dwellings with 600 efficiency apartments.

In section 3.3.1 they discuss the police department and possibly needing to add 6 officers to the force to help ensure safety for the new community. Our police force already has a hard time keeping officers due to salary and contract issues. How do we propose adding 6 new officers?

Section 3.3.2 is in regards to the fire department. These departments are fueled by volunteers. The DEIS says that the community members would join and become active volunteers. The problem there is that the Hasidic community do not meet the requirements to be interior members and would not be able to assist during a fire. In KJ they have to hire Firefighters to battle fires to keep them safe. Who will be hiring Firefighters here? Where will the money come to pay for them? Will there be tax increases? If they plan on having their own fire department who will fund this?

Section 3.6.7 mentions flora and fauna. There is no mention of the bears, bobcats or coyotes living in the area. I do not think that the project site was investigated enough to account for the habitats for all of these animals.

I do not think the DEIS should be approved. There are many inaccuracies in their report. Please think about the village and how terrible Clovewood would be for our area.

Thank you,

Erin Smith
Mountain lodge