

**VILLAGE OF SOUTH BLOOMING GROVE**  
**PLANNING BOARD**  
**Regular Meeting**  
**August 18, 2022**

Members Present:

Solomon Weiss  
Simon Schwartz  
Abraham Klepner  
Yoel Ungar  
Dov Frankel

Members Absent:

None.

Also present: Melissa Foote, Secretary; Alexa Burchianti, Building Inspector; Al Fusco, Village Engineer; Daniel Kraushaar, Village Counsel; Joel Stern and Isaac Ekstein, Assistants to the Mayor.

The meeting began at 8:05 pm with a pledge to the flag.

**31 Merriewold Lane South, House of Worship**

Secretary Foote confirmed that proof of mailing had been provided by the applicant. Chairman Weiss put forward a motion to open the Public Hearing on the project, seconded by Mr. Ungar and carried; all were in favor.

Isaac Walter, speaking on behalf of the applicant, stated they were requesting an amended site plan be reviewed by the board.

Chairman Weiss asked if any board members had questions or comments, none did. He then asked if any members of the public wish to comment.

Susan Blakeney indicated she had concerns regarding the project's impact on the Village water supply.

Bonnie Rum indicated concerns regarding the project's impact on the water supply and potential traffic congestion concerns.

Following public comments, Chairman Weiss made a motion to close the public hearing, seconded by Mr. Klepner and carried; all were in favor.

Chairman Weiss then made a motion to issue an unconditioned Negative Declaration under SEQRA with respect the application and to approve the Special Use and the amended Site Plan, on the following conditions:

1. The applicant shall file a lot line change to conform with current zoning.
2. Second, the applicant shall provide an updated site plan showing 200 parking spots plus 300 additional shadow parking spots.
3. The applicant shall comply with all other comments and requirements from the Village Engineer.

The motion was seconded by Mr. Ungar and carried; all were in favor. Negative Declaration attached hereto.

### **5 Mangin Road, Kosher Super Market**

Chairman Weiss stated the Public Hearing had stayed open since the previous meeting in order to receive additional comments and confirmed Village Engineer Fusco has been in contact with the applicant regarding these comments.

Chairman Weiss then made a motion to close the Public Hearing. It was seconded by Mr. Schwartz and carried; all were in favor.

Chairman Weiss then made a motion to issue an unconditioned Negative Declaration under SEQRA for the project, and to grant a conditional Site Plan approval, conditioned on the applicant complying with the Village Engineer's comments and requirements. The motion was seconded by Mr. Ungar and carried; all were in favor. Negative Declaration attached hereto.

### **58 Fort Worth Place, Modular School Building**

Chairman Weiss stated the Public Hearing on this project had stayed open since the previous meeting to receive additional comments. It was also confirmed that Village engineer Fusco had been in contact with the applicant regarding several comments. Chairman Weiss then made a motion to close the Public Hearing. It was seconded by Mr. Ungar and carried; all were in favor.

Chairman Weiss then made a motion to issue an unconditioned Negative Declaration under SEQRA regarding the application, and to grant a conditional Site Plan approval, conditioned on the applicant complying with the Village Engineer's comments and requirements. This motion was seconded by Mr. Schwartz and carried; all were in favor. Resolution attached hereto.

### **SouthGrove Development on State Route 208**

Chairman Weiss stated the Public Hearing on this project had been temporarily adjourned to stay open to receive additional comments. It was also confirmed that Village Engineer Fusco had been in contact with the applicant regarding several comments. Chairman Weiss then made a motion close the Public Hearing. It was seconded by Mr. Klepner and carried; all were in favor.

Chairman Weiss then made a motion to issue an unconditioned negative declaration under SEQRA on this application, and to grant conditional Site Plan and Subdivision Plat Approvals, conditioned on the applicant complying with the Village Engineer's comments and requirements. This was seconded by Mr. Schwartz and carried; all were in favor. Resolution attached hereto.

### **577 State Route 208, Office and Warehouse Building**

Chairman Weiss stated the Public Hearing on this project had stayed open subsequent to the previous meeting to receive additional comments. It was also confirmed that Village Engineer Fusco has been in contact with the applicant regarding these comments. Chairman Weiss then made a motion to close the Public Hearing, seconded by Mr. Frankel and carried; all were in favor.

Chairman Weiss then made a motion to issue an unconditioned Negative Declaration under SEQRA on this application, and to grant a conditional amended Site Plan approval, conditioned on the applicant complying with the Village Engineer's comments and requirements. The motion was seconded by Mr. Ungar and carried; all were in favor. Resolution attached hereto.

### **Clovewood Project**

Joel Stern read a prepared resolution granting Preliminary Site Plan and Subdivision Plat Approval for the Clovewood Project by the Village of South Blooming Grove.

Chairman Weiss then made a motion to issue preliminary Subdivision Plat and Site Plan approval for the Clovewood Project. The motion was seconded by Mr. Schwartz and carried; all were in favor. Resolution is attached hereto.

Simon Gelb expressed gratitude for the passing of the resolution on behalf of the project.

### **58 Fort Worth Place, Modular School Building Revisited**

Secretary Melissa Foote pointed out this Public Hearing was incorrectly closed earlier and, therefore, the hearing was still open.

Chairman Weiss made a motion to open the public hearing. The motion was seconded by another planning board member and carried out; all were in favor.

The project engineer for the school then presented an overview of the plans for the project prior to public comments.

Sue Anne Vogelsberg expressed concerns regarding the traffic impact of the project and the status of the property.

Susan Blakeney indicated concerns regarding the project's impact on the Village water supply.

Clifford Hayes expressed concerns that construction may have preemptively started on the project and regarding the traffic impact of the project.

Bonnie Rum indicated concerns regarding the trailers on the property potentially being unsafe if used as temporary classrooms.

Following public comments, Chairman Weiss made a motion to close the Public Hearing, seconded by Mr. Ungar and carried; all were in favor.

Chairman Weiss then made a motion to issue an unconditioned negative declaration under SEQRA on the application, and to grant a conditional Site Plan approval, conditioned on the applicant complying with the Village engineer's comments and requirements. The motion was seconded by Mr. Ungar and carried; all were in favor. Resolution attached hereto.

### **Bailie Lane Estates**

This is an application for Site Plan approval to construct a 20,000 square feet one-story building, at 15 Bailie Lane. Secretary Melissa Foote confirmed the applicant submitted the proof of mailing for the list of names of the property owners entitled to be given notice by mail.

Chairman Weiss made a motion to open the Public Hearing, seconded by Mr. Schwartz and carried; all were in favor.

The project was presented on behalf of the applicant and public comments were given.

Sue Anne Vogelsberg indicated concerns regarding the project's potential impact on traffic and the potential remediation of a pond that she believes may have been on the project site.

Bonnie Rum expressed concerns regarding how close the development will be to Route 208. She also asked what use will be made of the building and the details.

Following public comments, Chairman Weiss made a motion to continue the Public Hearing on September 15, 2022, at 8:00 pm via Zoom or in person, as it has not been 30 days since the application was submitted. This motion was seconded by Mr. Ungar and carried; all were in

favor. Planning Board Counsel Dan Kraushaar clarified that the Public Hearing is being held open for all comments, not just written.

### **379 Lake Shore Drive, House of Worship**

Chairman Weiss stated the Public Hearing is still open, but there will be no public comments until the next hearing as they are waiting for guidance from the ZBA Board.

Chairman Weiss made a motion to open the Public Hearing, seconded by Issac and carried; all were in favor.

Counsel clarifies there will be no comments until the next hearing because there is not a complete record available to the board, and by extension, the public.

Chairman Weiss made a motion to continue the Public Hearing on September 15, 2022, at 8:00 pm via Zoom or in person. This was seconded by Mr. Klepner and carried; all were in favor.

### **Rolling Hills Meadows**

The applicant submitted plans to add some parking spots to their development.

Engineer Fusco notes he did a review of the plans and has sent the full report to the applicant so that issues can be addressed. He then explained key aspects of his review and noted he is not opposed to a conditional Site Plan approval if the conditions of his report are met.

Chairman Weiss made a motion to grant a conditional Site Plan approval, conditioned on the applicant complying with the comments from the Village Engineer. This was seconded by Mr. Schwartz and carried; all were in favor.

Chairman Weiss made a motion to adjourn the meeting at 9:22 pm, seconded by Mr. Ungar and carried; all were in favor.

VILLAGE OF SOUTH BLOOMING GROVE  
58 FORT WORTH

WHEREAS, the applicant has applied for a school; and

WHEREAS, the code allows for schools in all zones with a Planning Board conditional use permit; and

WHEREAS, the Planning Board has reviewed the project; and

WHEREAS, the Planning Board has established Lead Agency for the Planning Board; and

WHEREAS, the Village Engineer has reviewed the same and issued comments; and

BE IT RESOLVED, the Village of South Blooming Grove Planning Board hereby issues a negative declaration of environmental impact; and

FURTHERMORE, grants a Planning Board conditional use permit subject to the Village Engineers requirements and comments

On a motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_

The foregoing resolution was adopted on a vote of \_\_\_\_\_Ayes, \_\_\_\_\_Nays.

Dated: August 18, 2022  
Village of South Blooming Grove  
Orange County, NY

VILLAGE OF SOUTH BLOOMING GROVE  
577 ROUTE 208

WHEREAS, the Planning Board of the Village of South Blooming Grove has reviewed the proposed site plan;  
and

WHEREAS, SEQRA has been reviewed and the Planning Board has established Lead Agency with the  
Planning Board as Lead Agency; and

WHEREAS, the Village Engineer has reviewed and given comments; and

WHEREAS, the Board has considered Public comment;and

BE IT RESOLVED, the Village of South Blooming Grove Planning Board hereby issues a negative declaration  
of environmental impact;and

FURTHERMORE, grants a conditional final approval condition on Village Engineers comments and  
requirements

On a motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_

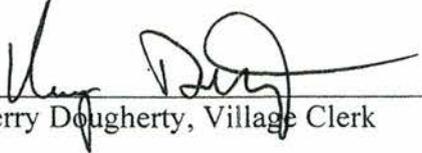
The foregoing resolution was adopted on a vote of \_\_\_\_\_ Ayes, \_\_\_\_\_ Nays.

Dated: August 18, 2022  
Village of South Blooming Grove  
Orange County, NY

**CERTIFICATION**

I, Kerry Dougherty, Village Clerk of the Village of South Blooming Grove, in the County of Orange, New York, HEREBY CERTIFY that I have compared the foregoing Planning Board Resolution granting conditional final approval for subdivision plat and site plan for the Southgrove Project is a true and complete copy filed with said Village in my office as Village Clerk on the 19<sup>th</sup> day of August, 2022; and

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of said village this 19<sup>th</sup> day of August, 2022.

  
Kerry Dougherty, Village Clerk

(SEAL)



VILLAGE OF SOUTH BLOOMING GROVE  
SOUTH GROVE

WHEREAS, the Planning Board of the Village of South Blooming Grove has reviewed a 25unit subdivision with 24 residential lots and a wellness center; and

WHEREAS, SEQRA has been reviewed and the Planning Board has established Lead Agency with the Planning Board as lead agency; and

WHEREAS, the Village Engineer has reviewed and given comments; and

WHEREAS, the Board has considered public comments; and

BE IT RESOLVED, the Planning Board of the Village of South Blooming Grove hereby issues a negative declaration of environmental impact; and

FURTHERMORE, grants a conditional final approval condition on Engineers comments and requirements

On a motion by Member Weiss, seconded by Member Ungar

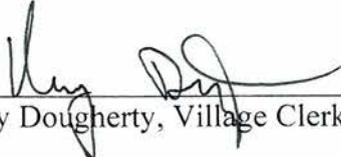
The foregoing resolution was adopted on a vote of 5 Ayes, 0 Nays.

Dated: August 18, 2022  
Village of South Blooming Grove  
Orange County, NY

**CERTIFICATION**

I, Kerry Dougherty, Village Clerk of the Village of South Blooming Grove, in the County of Orange, New York, HEREBY CERTIFY that I have compared the foregoing Planning Board Resolution approving a preliminary subdivision plat and site plan for the Clovewood Project is a true and complete copy filed with said Village in my office as Village Clerk on the 19<sup>th</sup> day of August, 2022; and

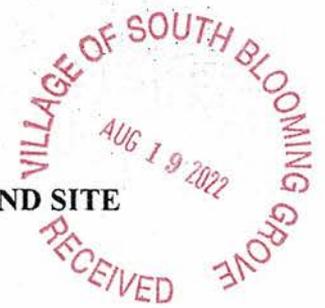
**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of said village this 19<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Kerry Dougherty, Village Clerk

(SEAL)

Village of South Blooming Grove





**RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT AND SITE  
PLAN FOR THE CLOVEWOOD PROJECT**

**Planning Board, moved Weiss ; seconded Schwartz**

**WHEREAS**, the Village of South Blooming Grove, New York (“Village”) from time to time considers certain land use projects in the Village, including a Project submitted by Simon Gelb, CPC on behalf of Keen Equities, LLC (“Project Sponsor”) and known as the “Clovewood Project,” located on the East side of NYS Route 208 and County Route 27 (a/k/a Clove Road), and designated on the tax map of the Village as Section 208, Block 1, Lots 2 and 3 (“Project Site”); and

**WHEREAS**, the Project Sponsor is seeking approval to construct 600 single family homes clustered on 247 acres, together with associated community facilities, appurtenant roads and other utilities to service the “Project;” preserve 50% of the Project Site as Open Space; and reserve 22 acres of the approximately 708.2 acres of land; and

**WHEREAS**, the Project Site is located within the Rural Residential (RR) Zoning District with a 6.2-acre portion of the Project Site within the Rural Crossroads 1 (RC-1) Zoning District; and

**WHEREAS**, the proposed site plan with subdivision of single family homes constitutes an allowed use subject to compliance with the Village Code which authorizes the Planning Board of the Village of South Blooming Grove (“Planning Board”) to approve Subdivisions (Chapter 163) and Site Plans (Chapter 235) in relation to land use projects in the Village; and

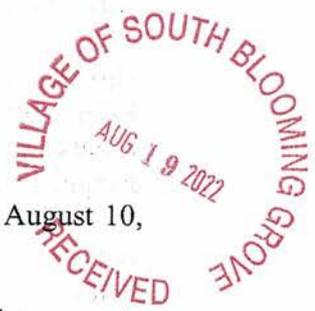
**WHEREAS**, the Project Sponsor submitted an application and supporting materials including but not limited to a Full Environmental Assessment Form (FEAF), Final Environmental Impact Statement (FEIS) with associated studies, Stormwater Pollution Prevention Plan (SWPPP), a subdivision and site plan titled “Clovewood,” dated April 10, 2014 with last revision August 16, 2022 and prepared by Kirk Rother PE, and additional documentation and studies as addenda to the submittals (the “Application”); and

**WHEREAS**, the Board of Trustees of the Village (“Trustees”) and the Planning Board of the Village (“Planning Board”) assumed co-lead agency status for SEQR purposes, issuing a Positive Declaration for the Project, requiring the preparation of a Draft Environmental Impact Statement (“DEIS”); and

**WHEREAS**, the co-lead agencies, after conducting a public hearing and accepting written comments with respect to a proposed Scoping Outline for the DEIS, adopted a Scoping Outline on June 2, 2016; and

**WHEREAS**, a proposed DEIS was prepared by the Project Sponsor and was accepted as being sufficient for public comment by the co-lead agency the Village Planning Board on March 5, 2020 and by the co-lead agency the Village Board of Trustees on March 16, 2020; and

## Village of South Blooming Grove



**WHEREAS**, a public hearing with respect to the DEIS was commenced on August 10, 2020, and continued and completed on January 5, 2021; and

**WHEREAS**, thereafter, the co-lead agencies caused a FEIS responding to all comments on the DEIS to be prepared, and on behalf of the Project Sponsor, Simon Gelb, CPC prepared and submitted the FEIS on February 8, 2022, stamped received by the Village Clerk on March 3, 2022; and

**WHEREAS**, The Trustees and the Planning Board accepted the FEIS and determined that it was complete at a special meeting of both the Trustees and the Planning Board on July 29, 2022 and thereafter the notice of acceptance of FEIS and the FEIS was filed, posted, and published as required by SEQRA; and

**WHEREAS**, the 10 day period after acceptance of an FEIS passed, and the Trustees and the Planning Board adopted the SEQR findings on August 9, 2022 by Resolution filed with the Village Clerk on August 10, 2022; and

**WHEREAS**, the Project was referred to the Orange County Planning Board for review in compliance with General Municipal Law 239-m due to the Project Site proximity to New York State Route 208 and County Route 27 on March 10, 2022 and the County Planning Board deferred to local approvals and provided comments in a letter dated March 23, 2022, attached hereto is a response to the County Planning Board comments, the Village Planning Board agrees with the response and expressly overrides the comments offered by the County Planning Board as indicated therein; and

**WHEREAS**, a public hearing with respect to the preliminary subdivision and site plan was held on March 24, 2022 as required by the Village laws pertaining to subdivision and to site plan approval for the Clovewood project and the subject of the public hearing was the Clovewood project as set forth in the applications and as more fully described in the EIS involving 600 lots for residential development and ancillary infrastructure and other facilities, and also the subdivision of land containing wells, with access to such wells, which is proposed to be the subject of a license agreement with the Village by the Applicant; and

**WHEREAS**, subsequent to the public hearing certain minor changes were made in the site plan and preliminary subdivision plat to address NYSDEC comments related to timber rattlesnake habitat and those changes are 1) the rattlesnake habitat area in the Village of South Blooming Grove which was 209 acres is now 295 acres, 2) the 70 acres of open space that was previously proposed active recreational areas has now been converted to open space containing rattlesnake habitat, 3) the cul de sac from road L was removed and approximately 10 lots were relocated; the Planning Board finds that these minor changes to the site plan and the preliminary plat all have served to further less environmental impacts as discussed in the SEQRA statement of findings and do not require another referral to the Orange County Planning Board nor a further public hearing; and

## Village of South Blooming Grove

**WHEREAS**, because the Project is preserving greater than the fifty percent required for open space any future development area identified on the site plan/preliminary plat does not require the preservation of any further open space as part of its future development; and

**WHEREAS**, after review, the Planning Board verified that the proposed Project complies with the Village Zoning Code; and

**WHEREAS**, in accordance with Village Code § 235-14.1 regarding the Rural Residential Zoning District Regulations, the Project Sponsor performed a site analysis, resulting in a Planning Board lot count determination that density shall be (i) a base lot of one dwelling per 3,000 sf in the RC-1 zoning district, 10%, or 9 units, of which will need to be deemed affordable and (ii) one dwelling unit per two acres in the RR (340) adjusted 1.5 times ( $340 + 170 = 510$  units) in consideration of the provision of 50% of the adjusted base number of units, or 85 units, will need to be deemed affordable. As a result, the Planning Board lot count determination established a density of 600 dwelling units: 510 total units allowed per the Rural Residential (RR) Zoning District and 90 total units allowed per Rural Crossroads 1 (RC-1) Zoning District; and

**WHEREAS**, in accordance with Village Code § 235 Attachment II regarding the Bulk Requirements, the Planning Board has made a bulk requirement determination for the Rural Residential zoning district portion of Clovewood Project and has established the bulk requirements shall be (i) minimum lot size, 10,000 square feet; (ii) minimum frontage, 60 feet (minimum frontage on curved lots shall be measured at the front setback line); (iii) maximum building coverage, 50%; (iv) minimum front yard setback, 33 feet (40 feet to edge of pavement); (v) minimum side yard setback, 15 feet; (vi) minimum rear yard setback, 40 feet; and

**WHEREAS**, in accordance with § 110-114 of the Village of South Blooming Grove Code, the Village Planning Board has determined and designated the following classifications for the Clovewood Project roadways: Roadways A, B, C and D are collector roads; Roadways E, F, G, H, I, J, K, L and M are minor/local roads. Collector roads shall have a 60-foot right-of-way with 47-foot of pavement width, and the minor/local roads shall have a 50-foot right-of-way with 37 foot of pavement width; and

**WHEREAS**, the Applicant is proposing to dedicate the following to the Village of South Blooming Grove: approximately 60 acres of parkland, the privately constructed sewer and water system for the Project; the roadways privately constructed per the Village's specifications and all privately constructed stormwater facilities necessary for the continued operation of the Project; as well as to preserve 295 acres of open space containing rattlesnake habitat via deed restriction or similar instrument; and

**NOW THEREFORE**, Be it Resolved by the Planning Board:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.



Village of South Blooming Grove

Section 2. The Planning Board hereby grants approval for preliminary subdivision plat and site plan for the Clovewood Project attached to and incorporated into this resolution to include the Full Application and prior approvals of the FEIS and SEQRA Statement of Findings.

Section 3. The Planning Board hereby grants approval for subdivision plat of land containing wells, with access to such wells, which is proposed to be the subject of a license agreement with the Village by the Applicant, attached to and incorporated into this resolution.

Section 4. The Planning Board directs the Clerk to the Planning Board to file the Resolution with the Village Clerk within five (5) days of adoption. A copy of the filed resolution shall be issued to the Project Sponsor.

Section 5. This Resolution shall take effect immediately.

**BY ORDER OF THE PLANNING BOARD FOR THE VILLAGE OF SOUTH BLOOMING GROVE, NEW YORK.**

Dated: August 18, 2022

Vote:

Solomon Weiss:	<input checked="" type="radio"/> Yea	Nay	Abstain
Abraham Klepner:	<input checked="" type="radio"/> Yea	Nay	Abstain
Yoel Ungar:	<input checked="" type="radio"/> Yea	Nay	Abstain
Simon Schwartz:	<input checked="" type="radio"/> Yea	Nay	Abstain
Dov Frankel:	<input checked="" type="radio"/> Yea	Nay	Abstain

Planning Board of the Village of South Blooming Grove



Solomon Weiss, Planning Board Chair





Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

Alan J. Sorensen, AICP  
Commissioner

www.orangecountygov.com/planning  
planning@orangecountygov.com

### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

**Local Referring Board:** Village of South Blooming Grove & Village of South Blooming Grove Planning Board  
**Referral ID #:** SBG01-22M

**Applicant:** Keen Equities

**Tax Map #:** 208-1-2 and 3

**Project Name:** Clovewood

**Local File #:** none provided

**Proposed Action:** FEIS for major subdivision creating 600 single family residential lots

**Reason for County Review:** Within 500-feet of NYS Route 208, County Route 27 (Clove Road), OC Gonzaga Park and Schunnemunk State Park

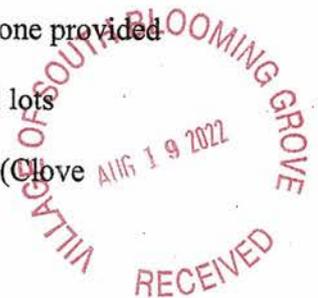
**Date of Full Statement:** March 10, 2022

**Comments:** The Department has reviewed the above referenced FEIS in accordance with the State Environmental Quality Protection Act (SEQRA) and Section 239, paragraphs l and m of the NYS General Municipal Law and has determined that the intended land use has the potential to cause inter-municipal and countywide impacts to properties in neighboring municipalities, in addition to traffic impacts to State, County and local roadways, namely NYS Rte. 208, and Clove Rd. (CR27). Overall, the 600 primary dwelling units are likely to result in significant environmental impacts to roadways, streams, groundwater aquifer and potable water supplies in the Village of South Blooming Grove and Town of Blooming Grove. These impacts that have not been covered in the FEIS are described below and should be addressed in the Findings Statement.

The following comments of the revised FEIS are offered for your consideration to mitigate potential environmental impacts and improve the quality of the proposed project. They provide an overview of our concerns and will be expanded upon in a subsequent review letter. This initial review letter serves to inform the Board at the March 24<sup>th</sup> public hearing; however, NYS GML 239 affords the Orange County Department of Planning 30 days – or up to two days before the Board takes action - to review each municipal application. This office has learned that the developer has numerous incomplete applications at NYS DOT and DEC; hence no municipal approvals should be granted until all State applications are complete and reviewed.

#### A) Transportation

1) The removal of the park and ride facility from the Clovewood FEIS will necessitate a revision to the traffic impact analysis; this revision should also incorporate the cumulative trip generation from the proposed projects along Route 208 that have been submitted to the Village since this project was last considered.



- 2) No comments have been received from the New York State Department of Transportation (NYSDOT).
- 3) Because the application fronts County Route 27, Orange County Department of Public Works will need to comment and issue a permit.
- 4) Multiple agencies and two municipalities will need to determine how to best improve the intersection of NYS State Route 208 and Clove Road/County Route 27. Such an agreement should be done in advance of Clove Road approvals, especially given the NYS DOT project # 848747 award of \$961,416. Once a design for the intersection and immediate area leading up to it is approved, the a good faith contribution should then be determined.

B) Open Space

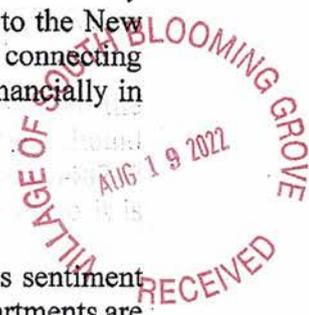
1) The applicant stated that the undisturbed open space will be protected with a deed restriction. It is the experience of this office that deed restrictions will not provide the long-term protection of this critically important ridge land. A deed restriction is not a property interest; rather, it is a promise to do or not do certain things with the parcel. A conservation easement is a property interest conveyed by a landowner to a land trust or government entity—a holder. The holder holds rights in the real estate as described in the easement document, those rights consisting chiefly of the power to block actions inconsistent with the easement's conservation objectives.

Due to nearby Schunnemunk State Park, Gonzaga County Park, and the Long Path, the proposed open space would benefit from being subject to a conservation easement held and monitored by the Orange County Land Trust or similar land conservation organization or donated to the New York/New Jersey Trail Conference so that they can continue their historic work of connecting forested properties for generations of hikers to enjoy. The applicant would benefit financially in the form of a tax deduction for the donation, should they choose this option.

C) Site Design

1) Since the applicant has stated that there will not be 600 accessory apartments, this sentiment needs to be memorialized on each deed. A legal note should state that no accessory apartments are allowed on the premises since it was not considered in the original land use review process.

**County Recommendation:** The County has received the referral from the referring body. Based upon our review of the FEIS and the acknowledgement by the applicant that the project no longer includes the previously proposed park-and-ride facility, we firmly believe that the traffic impact analysis should be revised to remove the credits taken for inclusion of the park-and-ride. Additionally, the traffic impact analysis should be updated to reflect the cumulative traffic impacts of the nearby development proposed along Route 208. Since the applicant has stated that the proposed action will not include accessory apartments, we recommend that a note be added to all new residential deeds that no accessory apartments will be permitted. This small action will allow for proper planning, accurate calculations, and efficient, right-sized systems that are more reliable and will save residents money.



**Date:** March 23, 2022  
**Prepared by:** Kate Schmidt, Planner



\_\_\_\_\_  
**Alan Sorensen, AICP**  
**Commissioner of Planning**

**As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**

VILLAGE OF SOUTH BLOOMING GROVE  
AUG 19 2022  
RECEIVED

Responses to Orange County Department of Planning Comments dated 3/23/22 on the Clovewood subdivision and site plan applications pursuant to the NYS General Municipal Law

**A) Transportation**

*Comment 1) "The removal of the park and ride facility from the Clovewood FEIS will necessitate a revision to the traffic impact analysis; this revision should also incorporate the cumulative trip generation from the proposed projects along Route 208 that have been submitted to the Village since this project was last considered."*

Response A1) The traffic impact study did not take credit for the park and ride facility and therefore there is no need to revise the analysis. All levels of services found in the traffic impact study have been calculated without any credit given to a park and ride facility. Additionally, the Project's traffic impact study did involve a cumulative analysis of other proposed projects along the NYS Route 208 corridor which is sufficient for the permitting review.

*Comment 2) "No comments have been received from the New York State Department of Transportation (NYSDOT)."*

Response A2) NYSDOT has provided comments to which the Applicant has responded. The Applicant's responses are sufficient to the Village Planning Board.

*Comment 3) "Because the application fronts County Route 27, Orange County Department of Public Works will need to comment and issue a permit."*

Response A3) Comment noted. The Orange County Department of Public Works has been provided with a copy of the Project's Plans, and an approval from the Orange County Department of Public Works is listed under the list of required approvals in the SEQRA Statement of Findings.

*Comment 4) "Multiple agencies and two municipalities will need to determine how to best improve the intersection of NYS State Route 208 and Clove Road/County Route 27. Such an agreement should be done in advance of Clovewood approvals, especially given the NYS DOT project # 848747 award of \$961,416. Once a design for the intersection and immediate area leading up to it is approved, then a good faith contribution should then be determined."*

Response A4) Comment noted.

**B) Open Space**

*Comment 1) "The applicant stated that the undisturbed open space will be protected with a deed restriction. It is the experience of this office that deed restrictions will not provide the long-term protection of this critically important ridge land. A deed restriction is not a property interest; rather, it is a promise to do or not do certain things with the parcel. A conservation easement is a property interest conveyed by a landowner to a land trust or government entity-a holder. The holder holds rights in the real estate as described in the easement document, those rights consisting chiefly of the power to block actions inconsistent with the easement's conservation objectives."*



Responses to Orange County Department of Planning Comments dated 3/23/22 on the Clovewood subdivision and site plan applications pursuant to the NYS General Municipal Law

*“Due to nearby Schunnemunk State Park, Gonzaga County Park, and the Long Path, the proposed open space would benefit from being subject to a conservation easement held and monitored by the Orange County Land Trust or similar land conservation organization or donated to the New York/New Jersey Trail Conference so that they can continue their historic work of connecting forested properties for generations of hikers to enjoy. The applicant would benefit financially in the form of a tax deduction for the donation, should they choose this option.”*

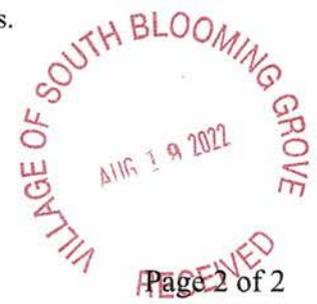
Response B1) Comment noted. For reference, the Village Zoning Code §235-14.1.C(2) provides *“The permanent preservation of such open space or conservation areas shall be legally ensured to the satisfaction of the Planning Board and the Village Attorney by the filing of appropriate covenants, deed restrictions, easements or other agreements, unless the Village Board agrees, in its discretion, to accept the dedication of such areas; or unless all or part of such areas is transferred to a conservation organization which is dedicated to the permanent preservation of open spaces and is approved by the Village Board. Said organization shall be required to submit satisfactory documents ensuring the preservation of open spaces.”*

**C) Site Design**

*Comment 1) “Since the applicant has stated that there will not be 600 accessory apartments, this sentiment needs to be memorialized on each deed. A legal note should state that no accessory apartments are allowed on the premises since it was not considered in the original land use review process.”*

Response C1) Each section of the Project’s EIS includes an evaluation of potential impacts from accessory apartments, which was required as part of the Village’s Scoping Document. Accordingly, impacts from 600 accessory apartments have been considered in the Project’s original land use review process and as part of the SEQRA process for the Project. No accessory apartments are proposed as part of the Project; however, should future homeowners apply for accessory apartments, they would require an approval from the Planning Board in accordance with the Village Zoning Code.

Notably, the Orange County Department of Planning has recognized the important role accessory apartments play in the housing demand of the region, including housing affordability, which is why the County expressed strong opposition to the Village of South Blooming Grove trying to further restrict the development of such accessory apartments in a letter dated 9/6/17 attached hereto. Specifically, in regard to more restrictive laws for accessory apartments, the Orange County Department of Planning writes, *“we advocate the Village reconsider and look to streamlined standards and procedures to help expedite and limit extraneous costs associated with permitting such units given they can serve as low impact, valuable additions to the range of housing needed.”* Accordingly, this comment is inconsistent with the Orange County Department of Planning’s prior position in regard to accessory apartments.





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Commissioner

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County Reply – Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l, m, & n

**Local Referring Board:** *Village of South Blooming Grove* **County ID #:** *SBG09-17M*

**Applicant:** *Village of South Blooming Grove* **Tax Map #:** *Townwide*

**Project Name:** *Local Law/Zoning Amendment*

**Proposed Action:** *Local Law: Zoning amendment to regulate accessory apartments*

**Date of Full Statement:** *September 6, 2017* **2 PAGES**

**Comments:**

The Department has reviewed the proposed local law to regulate accessory apartments to single family dwellings in accordance with section 239, paragraphs l and m of the General Municipal Law, and has found no evidence that significant inter-municipal or countywide impacts would result from its approval.

However, we note that accessory apartments can be an important tool in meeting unmet affordable housing needs in the municipality. As such, the Department has received additional information from constituents since our September 6, 2017 letter, and we now offer these revised, advisory comments.

The Village has provisions potentially advancing affordable housing – including but not limited to mixed uses in certain zones allowing for a necessary range of housing – and allowance for accessory apartments in certain situations by conditional use. The proposed local law will tighten up these later provisions – notably in limiting occupants to parents or grandparents of owner-occupant, annual permit renewals and other constraints through the conditional use permit process. As such, we advocate the Village reconsider and look to streamlined standards and procedures to help expedite and limit extraneous costs associated with permitting such units given they can serve as low impact, valuable additions to the range of housing needed.



Additionally and unfortunately, the definition of “affordable housing” used currently is quite narrow and linked to only 80% or below “medium income” – an unusual and uncommon term. We recommend reconsideration of this definition to address a higher threshold including “workforce housing” such as needed for many working individuals and families who are squeezed between incomes and housing prices. We also recommend clarity on the term “medium” to better connect this definition to the published median household or family incomes available.

**County Recommendation:**

**Local Determination**

**Date:** October 10, 2017 – revised from September 22, 2017

**Prepared by:** Kate Schmidt

\_\_\_\_\_  
**David Church, AICP**  
**Commissioner of Planning**

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).





