

******DRAFT******

The Town of Forestburgh Town Board held a meeting for Planning Matters on **Monday, April 30, 2012** in the Town Hall.

Supervisor Sipos called the meeting to order at 7:00 p.m.

Roll Call: Present – William B. Sipos, Supervisor
John W. Galligan, Councilman
Susan Parks-Landis, Councilwoman
Michael Cregan, Councilman

Absent – Eugene D. Raponi, Councilman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – William D. Bavoso, Attorney for the Town
Dan Hogue, Highway Superintendent
Tim Gottlieb, Town Engineer
Kathy LaBuda, Sullivan County District 2 Legislator
Rich Lorino, Building Inspector/Code Enforcement Officer

PUBLIC COMMENT –

Mary Ann Toomey – I have several comments on your logging permits – under forestry commercial who is going to limit this to ten trees per acre – will it be the building inspector? Supervisor Sipos replied that it is up for discussion. Next, with the security deposit, across from my house is a mess, Shalom Lamm’s is a mess, what happens if they don’t clean up after they lumber? Also, I think they should submit worker’s compensation insurance, liability and disability insurance, a copy of the contract and when work is completed, I think they should seed and hay the landing area.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes of the March 28, 2012 public hearing on Catskill Country Estates and the regular planning meeting for review. **MOTION** by Councilman Galligan, Seconded by Councilwoman Landis to accept the minutes as submitted. Vote: 4 ayes – 0 nays. Motion carried.

COMMUNICATIONS – None.

UNFINISHED BUSINESS

ZONING REVIEW – Supervisor Sipos stated that we would be working on the document that was constructed by the zoning review committee and Chuck Voss of Barton Loguidice which includes zoning regulations, subdivision regulations and zoning map. This is the document that the town paid twenty five thousand dollars for well over a year ago. We never finished the document and in reviewing it there are additional concerns and questions such as additional commercial areas along Route 42, two and half acre parcels located in the revised RC (five acre) area on the zoning map, four lot (minor) subdivisions have the engineer review and preliminarily approve it and forward it on to the building inspector for final approval. The document is dated January 14, 2011, the zoning review committee held nine meetings to review various sections of the town code. There were twenty six items in the code that warranted further review. Supervisor Sipos read all of the items of concern that were addressed by the zoning review committee. Supervisor Sipos continued to read some of the original objectives of the zoning review committee. Supervisor Sipos continued to read each item that is defined in the proposed review. The first real item is draft revisions to the subdivision regulations, I want the board to really look at section three and section four for the next meeting. Mary Ann Toomey stated you will have to update the section on wetlands. Supervisor Sipos stated that he is well aware that the DEC is changing the buffers on wetlands. Discussion was held on the new wetland

maps are not yet adopted and that no parcels will be grandfather. Discussion was then held on how this may affect the Lost Lake project. Attorney Bavoso stated that Orange County has already been told these changes will add an additional sixteen thousand acres of wetlands to the current wetland maps. Engineer Gottlieb and former planning board chair Susan Hawvermale both stated that the maps they saw showed only Orange County and some of Mamakating but nothing further in Sullivan County. Attorney Bavoso added that the sixteen thousand acres does not include the buffers. Further discussion was held if these changes have been enacted by the legislature, how the DEC is rolling out the changes as there are no changes to Sullivan yet. Superintendent Hogue stated that there are a few things that he has thought of that should be addressed and added to this, lately there has been a lot of diversion of water from private property on to town roads, you may want to put something in there, I don't know how to address that. People are digging ditches to drain their property, and sometimes there are no other ways, but maybe like logging, we can issue a permit so I would know if I have to enlarge a culvert on a road before we have a washout. Another thing too, and I have discussed this with Jim Steinberg, as this goes way back to his time also, where you set your property line setbacks from. Some roads are center of the road, some are the edge of the pavement. Jim Steinberg added that the town has thirty seven roads, twenty of them have no right of way at all, twelve of them have a right of way, so you put "cleared right of way" and then you go to a state road and it has a sixty six foot right of way. You have to define something like edge of pavement or right of ways and not right of way. Discussion continued with rights of way, centerline of the road and setback amounts and calculations. This lead to a discussion of making a setback even with other buildings/residences that pre-date new construction to eliminate people having to obtain a variance because of set back and lot size issues. Supervisor Sipos stated that he is trying to clean up issues that the previous planning board repeatedly encountered, sending residents to the ZBA who questioned why they were hearing this. I want anybody who comes before any board, be it town board, planning board, zoning board and have things clearly spelled out so they know what they have to do and what process to follow. Superintendent Hogue stated he would also like to see something in there about placing obstructions within fifteen feet of pavement, such as trees, shrubbery, stone walls, so they don't create a hazard for the general travelling public or sight obstructions. Jim Steinberg added corner lots to this as well, and state that they are equal on both sides, it's not defined. One road may have a right of way, and the other doesn't. Attorney Bavoso added that some municipalities it states that the owner gets to choose which yard on a corner lot is the front yard. Supervisor Sipos stated this is why this document was never adopted, sometimes you can get a lot of answers from the public and there is too much in here that is just not correct. Supervisor Sipos stated that for the next meeting, he would like to go over section three.

HYDROFRACKING & GAS DRILLING – Supervisor Sipos turned the floor over to Legislator Kathy LaBuda who stated that this past Thursday, the County Legislature passed a resolution to send to the state putting a moratorium on hydrofracking. One of the issues I have with the Town of Forestburgh is that I represent the towns of Lumberland, Highland and Mamakating also, and Highland is having a meeting on Monday to possibly have a moratorium on hydrofracking, Lumberland has put a ban on gas drilling or hydrofracking, Tusten has put a ban on it and so has the Town of Bethel. I mention those towns because they are contiguous to Forestburgh, as your representative I would like to know what position the Town of Forestburgh takes. I want to know your position so I can represent it to the county. Supervisor Sipos asked if everyone is familiar with hydrofracking? It is where you use an abundant amount of water that is drilled down into the ground and it goes into spider veins and the water compresses the ground to push the natural gas up. Councilman Galligan asked if the county resolution would supersede anything the town does? Legislator LaBuda replied that is why I am here. I believe that home rule is home rule. We have had many farmers in the past come to our meetings and they said, "Listen, this is my property if I want to get the royalties from drilling, let me." I believe in home rule and that is why I want to know the position of the Town of Forestburgh. I will tell you this, there are a lot of unknowns with the toxins and the air quality and you can see in the resolution that the list goes on and on and on. It is very controversial, the western part of the county there are townships that will not put a ban on it, so I want to know where you stand so that I can represent the Town of Forestburgh and say this is their position. Supervisor Sipos stated one thing you should know is that based upon the geological reports we are not as compressed as the western part of the county. So we are not highly sought after in order to do this fracking. I have gone to Dimock, Pennsylvania and I am totally familiar with the aquifer systems which are now polluted, I am familiar with the lines that are now moving this gas along the roadways, actually. It might not be so controversial here, but when you see the hazards out there because nobody was familiar with it. Pennsylvania is also looking at taking some additional action and what they can do with it. The wells become contaminated they need a treatment system that has to be adapted to that well to filter the water so it can be used. I under people on this side of the coin, we have people with large tracts of land that they are being greatly taxed on.

We have a dying farm industry that we are trying to re-cultivate. The farmers are looking at all of this land saying look at the money under here. Why can't I do this. I understand both sides of this coin. The materials which are used, to protect the well, the casing, is concrete, which would give added protection to the aquifer system, that is not the case in Dimock. It's a product I believe called bennonite which is used to seal that casing and it's very porous and it allows the toxins to escape. We have discussed it, we will continue to discuss it. I want to see what the board has to say, I know this was brought up by a former planning board member, Richard Katzman and he and I went back and forth over this due to different news articles, some were for, some were against. The bottom line, without water, we cease to exist. I understand why the county is taking this action. Councilman Galligan stated he didn't understand why the county, and I'm for home rule, and I'm sure we're going to have a public hearing and I'm sure that ninety to ninety five percent of the people are against it. I can also understand why a large landowner who is being taxed to death would be against any kind of ban. It's not only the water, it's the air. Legislator LaBuda stated that it really isn't an issue in Mamakating either. Whatever position you take is fine by me, you may not even want to take one, but when people ask me why I am voting this way, I can say I am representing the people of the townships of Mamakating, Forestburgh, Lumberland and Highland. You are right, it may not affect you too much, but you are close to Highland and Lumberland. One other piece of information is that the county did put a ban on any kind of hydrofracking on county property. We feel that the county property is owned by the taxpayers – you own it – we don't. We put a ban on it. Why we decided to do this resolution to the state is because of all the unknowns – the health issues, the toxins, there are so many unknowns. Councilman Galligan asked if the county ban would overrule a town ban. Legislator LaBuda replied no, home rule is still home rule. Councilman Galligan stated that he is deathly afraid of it and feels we should have a ban on it. I think eighty or ninety percent of the people in town agree with that. Supervisor Sipos stated we have discussed this and we also want to see what the state comes up with. Highway Superintendent, Dan Hogue, Jr. stated that he thinks why Forestburgh hasn't been as vocal as some of the other towns is that the way the Marcellus Shale is shaped underneath us at three to five thousand feet down, if you look at the maps it tapers underneath Forestburgh to almost nothing. Forestburgh is like Mamakating – there is no gas under us. We are fortunate in that way. Attorney Bavoso stated that if we draft a local law that is within the parameters of the Dryden case, the Dryden case tells you what it has to be in the constitution. Superintendent Hogue continued that what borders us from other towns are lakes which are all state owned. So we have like a “state safe” line between us and the other towns that you mentioned. Supervisor Sipos thanked Legislator LaBuda and stated that the board will discuss this again and let you know what we have decided to do. Legislator LaBuda asked that if we do adopt a resolution, to please send it up to the county for their files.

LOGGING PERMITS – We have to do some work on this, Mary Ann, we have your comments. We are also going to look at the fee schedule and go through the building department, I haven't discussed this with Attorney Bavoso yet, but I think the fee should be a sliding scale, the culvert, especially on town roads because of the heavy equipment will damage the roads and whose going to be responsible for them. The silt fence to protect rivers and lakes, the building inspector will have to know about them and where that run off is going to be. It would be nice to know that amount of acreage that is being logged and to protect the town. Jim Steinberg Sr. stated that if you are in the 480A program through the DEC, they have very strict regulations on what you can and can't do and there is the stumpage fee. Inspector Lorino added that the DEC requirements usually require the seeding of areas that were disturbed. Councilman Galligan stated that he believed that the majority of the logging in Forestburgh is due to the 480A program. And it's going to be unusual if we have to enforce this because almost all of the property is in the 480A program. Superintendent Hogue stated that his concern is town facilities, the fee is irrelevant as far as I'm concerned, but a bond or something should they damage town facilities, such as the road.

GROUNDS MAINTENANCE – I confirmed with Mr. Steinberg that he will take care of the triangle, mowing the welcome signs at the top of St. Josephs Hill, the town hall, the old town hall and the cemetery and if need be, the town barn. Discussion was held about the cemetery on McCormick Road, part of that is the town also. Superintendent Hogue stated that the guys will stop and clean out the branches, but it's so shadowed by the trees that much doesn't grow there. Jim Steinberg stated that inside the stone wall belongs to the town and outside of the wall belongs to Hartwood Syndicate which is private, which we now believe belongs to Donald Partrick. Supervisor Sipos confirmed with Superintendent Hogue that Mr. Steinberg obtains fifteen gallons of gas from the town for his mowing currently, that will be increased to sixty gallons, the shrubs will be pruned as needed. There will be a salary cap of six thousand dollars at an hourly rate. Discussion and debate was held over the hourly rate. Matter tabled until the hourly rate can be confirmed.

NEW BUSINESS

WEBSITE VENDOR – Supervisor Sipos stated that we have forwarded information up to the website vendor to be uploaded and get the website back up and running. Clerk Joanne Nagoda stated that she sent him the new pictures and the information that has been updated and he replied “what do you want me to do with it”. Supervisor Sipos stated that our webmaster still has not returned his call. Clerk Nagoda continued that while at conference, we had a new vendor this year who only does websites for schools and municipalities. Basically I think we would do ninety percent of the work and maintenance but they do all of the set up and hosting. MOTION by Councilman Creegan, seconded by Councilman Galligan to contact Virtual Towns and Schools and have them give a presentation. Vote: 4 ayes – 0 nays. Motion carried.

SURPLUS AUCTIONS – Supervisor Sipos stated that he would also turn this over to Clerk Nagoda. She stated this is just for informational purposes, that I brought back from conference. This company has been around awhile, but never at conference before. They will sell our surplus equipment, anything from chairs and desks to office equipment up to trucks and plows and heavy equipment. They handle all customers, winning bids are subject to our approval. It’s just something new for us to look at and consider. Superintendent Hogue stated that Auctions International and Teitsworth have been around. You take four or five pictures, e-mail it to them, write a description and they handle everything. There is no obligation to the town, they take their payment from the buyer. If we wanted to sell these chairs, and they sold for \$750.00 – we would get the \$750 and the fee would be added to that to be paid by the buyer. Jim Steinberg added to watch it, some of them add a sellers fee also.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn the meeting at 8:17 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk