

## **TOWN OF FORESTBURGH**

### **PLANNING BOARD**

**FEB 28, 2017**

Meeting called to order at 7:01 p.m. by Chairman Richard Robbins at the Town Hall.

Members Present:     Richard Robbins, Chair  
                              David Groskin  
                              Robert Sipos  
                              Eugene Raponi  
                              Vincent Galligan

Absent:                   Karen Ellsweig  
                              Susan Hawvermale

Attorney Present:     Jacqueline Ricciani

Recording Secretary:  Nicole Lawrence

#### **Approval of Minutes:**

- Motion to approve minutes from January 24, 2017 made by Vincent Galligan  
  Seconded by: Richard Robbins
- Richard Robbins asks Glenn Smith for confirmation of Benjamin Nemadhi's name.
- Vote to approve minutes: All in favor, David Groskin abstains

#### **No Comments by Public on Agenda Items**

#### **Republic Lake Joseph - Proposed Two Lot Subdivision:**

Glenn Smith, representing Republic Lake Joseph and Ben Nemhadhi and Ken Dowling, his partner, restates the details of requested subdivision. Richard Robbins explains the Planning Board has received no response from agencies regarding the lead agency notices and the Forestburgh Planning Board will proceed without opposition as lead agency. Glenn Smith confirms he has received report from Tim Gottlieb and Richard Robbins states that all of Tim Gottlieb's concerns have been addressed. He asks Glenn if there is any work currently being conducted at the excavated gravel pit described on the most current land survey. Glenn is not aware of any work being conducted and the owner has no intention of doing any work in the gravel pit. Glenn Smith asks if any comments came from the fire department or highway department. Richard Robbins explains there were no comments, thus no opposition. It is agreed the application is complete. Jacy Ricciani and Tim Gottlieb concur.

Richard Robbins asks Jacy Ricciani, as a procedural question, at which juncture the board declares if it is a positive declaration or negative declaration. She explains that part of the SEQR review is also subject to public hearing; for subdivisions, you are supposed to complete environmental review prior to making determination on subdivision. At the public hearing, members of the public can make comments regarding both the subdivision and the environmental review; the Planning Board can take all comments into account. Having reviewed the E.A.F., Planning Board members can ask questions of the applicant. Richard Robbins reminds Glenn Smith of the consent order he mentioned in a prior meeting and asks if he has discovered any continuing obligation on the part of his client regarding dam repair. Glenn says he will track down a copy of the consent order. Richard Robbins next question is whether, as part of the resolution of the P.U.D. that this property was once a part of, if there was any ongoing obligations or rights in regards to the green space that continues to exist and as protected in phase one. The only conditions or covenants Glenn could find was that the land could only be used for residential use. Jacy Ricciani points out that if any easements or covenants existed, the formal survey would have reflected that. Richard Robbins states that he is not aware if there are any existing covenants in regards to common property at Lake Joseph in the P.U.D. Glenn Smith will check.

David Groskin moves to schedule the joint public hearing for March 28, 2017.

Seconded by Eugene Raponi

Vote: All in favor

Glen will serve the public Notice and the Planning Board will submit the 239. Because of the short time between meetings, and the potential that they may not complete their review in time – the public hearing may have to be held open, but will otherwise go forward on the March 28<sup>th</sup>.

### **Planning Board Application – Owner’s Proxy**

Richard Robbins itemizes the details on the owner’s proxy, provided by Jacy Ricciani, to be added to the Planning Board application. Jacy proposes a change to the signature line in the corporate portion, allowing for the president, corporate secretary or manager to sign.

Richard makes the motion that, with the amendment altering the signature line proposed by Jacy, the owner’s proxy is included in the application. Seconded by Vincent Galligan.

Vote: all in favor

### **Comprehensive Plan Committee update**

Richard Robbins states that a committee was appointed by the Town Board in June to draft an updated Comprehensive Plan and the Town Board would like for the Planning Board to review the updated draft. He presents the most recent draft, dated 2/27/17, and says the the March Meeting will be a joint meeting with the Comprehensive Plan Special Board and the Planning Board and that there will be a public hearing called by the Comprehensive Plan Special Board, and we will be a part of that and will continue our review of it after that. will have an opportunity to offer comments at their next meeting on March 28, 2017.

## **Status update of Tent Days**

Richard Robbins reports that 80 Tannery Road has been purchased and an application is expected soon.

## **2017 Local Law amending portions of the Zoning Code sections pertaining to Planned Development Districts**

Richard Robbins summarizes the thought behind the local law and what the current amendment proposed undertakes to accomplish. He noticed a typo 85-18M where it says Town Board but it should probably say Planning Board. Jacqueline Ricciani will have it considered. Vincent Galligan asks about the order of operations – with regard to review of applications – in the past and what it will be in the future. Richard and Jacy explain that the Planning Board can approve a project but it can only be constructed once the Town Board has authorized the zoning district for the project. Vincent Galligan wants to know if the amendment will reinstate the process exactly as it was prior to the last amendment to the law. Dan Hogue, supervisor of the Town Board, confirms that the law is reverting to what it was when initially adopted. He explains that one of the reasons the Planning Board is being reinstated in the process is because the members receive continued education for development that the Town Board does not.

The Planning Board determines that the changes are consistent with the aims and principles of the zoning code and the RR1 district, and there are no direct or indirect implications, as the procedural changes will not have any impact on the town or regulations. This zoning regulation, being only procedural, almost by definition doesn't impact – directly or indirectly the zoning code. So it has no adverse impact. Eugene Raponi makes the motion to report this determination of no adverse impact to the zoning code to the Town Board. Seconded by Richard Robbins.

Vote: all in favor

## **Continuing review of draft of the Forestburgh Subdivision Law**

Page 6 – The definition of “dwelling units” raises questions over the need to include “multi-family dwelling” in the law as the zoning code does not permit multi-family dwellings. Jacqueline Ricciani recommends definitions in zoning code and subdivision code be consistent. After thorough consideration, the board decides to define multi-family dwellings as “containing more than two dwelling units on one lot”. Members of the Planning Board would prefer to keep definitions clear and simple, striking negative language and exclusions in some definitions.

Page 9 – Jacy Ricciani will supply a definition of “Parkland”. One of the concerns is whether the use of the park – active or passive – be included in the definition. We will return to this.

Page 12 - As for “Wetlands”, Richard Robbins suggests the definition from D.E.C. is adopted. Agreed by all.

Page 13 – Vincent Galligan points out wording in the law that suggests one is exempt from the application process in the case of a natural subdivision or lot improvement. However, this is not so. Richard Robbins states that in the case of a natural subdivision, a SEQR hearing is required but not the subdivision hearing; applicant must present a site map but is exempt from some requirements of

subdivision application. Details must be reviewed and documented; therefore, Richard Robbins proposes later modifying the Planning Board application to outline requirements for a natural subdivision.

Audience member, Sheldon Pasternack, asks (pertaining to Lake Joseph) if part of the criteria that the board is supposed to ask is if both lots conform to all the rules and regulations of the Homeowner's Association ratified by the Attorney General. Richard Robbins answers no, the Planning Board does not undertake to enforce more restrictive, private arrangements such as a Homeowner's Association covenants. Richard clarifies for Sheldon that the land under review for subdivision is not part of phase one.

Page 15 – Land Division

Dan Hogue explains that it is a simple subdivision (resulting in 2 lots), which Richard Robbins explains is different from a minor subdivision (resulting in 3-4 lots). A major subdivision results in more than 4 lots.

The Planning Board will start at "Lot Line Revisions" next time.

Richard Robbins states for the record that Planning Board members must be present at or have the benefit of the actual meetings, or have listened to the recording of meetings for which they were not present, in order to be qualified to vote on applications. As the meeting for the Republic Lake Joseph vote, that will likely be at the March

**Planning Board member comments on items not on the agenda:**

David Groskin announced that three weeks ago he and his family bought a house in Goshen and moved there. He stated that his intention is to sell the house and permanently reside in Goshen. He stated that it is not his intention to become a resident of Forestburgh again, although he may continue to own property in Forestburgh. Jacy explained that domicile is, under the law, a matter of intention. Jacy will submit a confidential memo of law and distribute members of the Planning board and Town Board. .

**Motion to adjourn at 9:25 made by Vincent Galligan, seconded by Richard Robbins.**

**Vote: all in favor**