

****DRAFT****

TOWN OF FORESTBURGH

PLANNING BOARD

SEPT 27, 2016

Meeting called to order at 7:03 p.m. by Chairman Richard Robbins

Members Present: Richard Robbins, Chair
Karen Ellsweig
Susan Hawvermale
Robert Sipos

Absent: David Groskin

Attorney Present: None

Recording Secretary: Nicole Lawrence

Approval of Minutes:

- Following discussion and certain corrections to the draft of the minutes, Susan Hawvermale **moved they be accepted, as amended. Seconded by Karen Ellsweig, Vote: all in favor**

Correspondence Received:

A letter from Mark Schilling to the members of the Planning Board voicing his concerns if a special use permit should ever be considered for the 300+ acres of land currently owned by Shalom Lamm. Mark Shilling is the owner of neighboring property (1362 Plank Road) and has requests regarding quiet, trespass, and enforcement of these two for the sake of everyone in Forestburgh if development should occur.

- Richard Robbins explained that, although Tent Days had made a preliminary presentation regarding its idea for the use of this parcel of land, no application has as yet been submitted for special use of the land, but should one be, Mr. Schilling's voice should be heard.

No public comment on agenda items.

Local Law

Review of Local Law 3 – Kennel Law – under section Zoning Code 85-37 (A) (1)

Richard Robbins stated that following our report to the Town Board concerning the prior proposed Kennel Law, a new Kennel Law has been drafted, and submitted to us for review. A Public Hearing on the this local law is scheduled for October 6. We are to submit a report concerning our review.

Karen Ellsweig makes two observations:

- 1) The definition for the commercial kennel on page three does not match that on the first page, as it should. The definition on page three is expanded. Also, the definition should read ‘dogs or cats’, not just ‘dogs’.
- 2) On page 4 – under the section “Denial or Revocation” – it should state that the permit may be revoked for failure to meet requirements of the town law. Currently, it only states that a permit can be revoked for violation of state or federal law.

Richard Robbins points out apparent inconsistency between the kennel law and zoning code in general. and suggests the Town Board change the language so that it reflects the discretion the Planning Board has to issue a permit. Under 85-33 the words “shall be granted” makes it sound compulsory should certain specific requirements be demonstrated, and and should be changed to “may be granted” so that it is consistent with other areas of the zoning code, allowing the board to consider a broader range of concerns in deciding whether to grant a special use permit. .

Karen Ellsweig makes note that in section 56-16 on page 2 the word “of” is missing in The Town of Forestburgh.

Richard Robbins commented that the Kennel Law should state that a special use permit for a kennel is renewable and revocable. Special Use Permits are renewable on an annual basis. The statute should also state that revocation of a kennel permit is the determination of the code enforcement officer based on special criteria.

Robert Sipos questions if there is a limit as to how many kennels can be put in the Town of Forestburgh. Richard Robbins affirms there is nothing in the statute to limit the amount of kennels in the town. Robert Sipos states that noise can become a concern if a number of kennels were to be built in the same neighborhood and asks if something can be written in the law to avoid this problem. Richard Robbins says the Town Board could write that the Planning Board has the discretion to deny a permit for kennels if a certain number of kennels have already been approved in that area but establishing a specific number may encourage developers to meet that number. Susan suggested that no two kennels be located closer than 5 miles, and all concurred that some distance made but wasn’t sure what that distance is. All agree that, for this reason, stating a number of kennels allowed in the town or specific area is not a good idea and that the stringent requirements to receive a permit (such as owning 10 acres of land and sound-proofing the kennels) will be enough to limit the noise and odor.

Richard Robbins states that the direct potential effects of the statute have been addressed and asks if there are any indirect implications that need to be addressed. Members say no. Richard states he will draw up a report to the Town Board, which he will first circulate among the Planning Board members for review. Susan Hawvermale asks if members will also be provided a copy of the amended local Kennel Law and Richard answers that he will attach it to the report.

Forestburgh Subdivision Law

Richard Robbins asks Susan Hawvermale, because she is the longest-standing member of the Planning Board, to weigh in with any thoughts she may have on the history of trying to accomplish an update of the Subdivision Code, and she noted that it is a big job. She suggests working on pages 1-26 for the next meeting, covering articles 1-4. All members agree to that goal.

Richard Robbins addressed the Town Board members in audience to ask if they had a timeframe in which they expected the suggested revisions from the Planning Board. Katherine Barnhart replies that she does

not recall the Town Board giving a timeline. She also comments that the substance is already in the Subdivision Law – as it has been reviewed thoroughly by Bill Sipos and attorneys Ken Klein and Jaqueline Riccianni – so hopefully there will not be a need for many changes. The Planning Board members make note that it is a dense reading of comprehensive law and may take some time. Karen Ellsweig questions if they are to review the law for consistency; Richard replies they are to review form and substance, as they will need to *apply* this law in the future.

Planning Board Member Comments on items not on the agenda

Susan Hawvermale noting that the minutes of the April meeting did not reflect her prior motion to require *Board Member Comments not on the Agenda* be on every meeting's agenda, and **moved that Board Member Comments on items not on the agenda be included on every planning board meeting.**

Richard Robbins asks why there is a need to do so, as there are no other requirements for Planning Board agendas, Susan responded that it will assure the motions make it into minutes.

Richard Robbins noted that in order to allow for public comment and consideration on a new matter, that Susan's motion be amended to include a provision that, **should any motion arise out of such non-agenda comments, a vote on that motion be deferred to the next meeting, and Karen seconded the motion, as amended.** Richard Robbins **called the amended motion for a vote.** All vote in favor but the **vote was unanimously rescinded** when Jim Steinberg, from the audience pointed out that we had just violated the spirit of the motion by voting on a new matter at the meeting where it was first made. A vote on this matter will be deferred until our next meeting.

There being no other matters, a **Motion to adjourn was made by Richard, seconded by Karen and unanimously passed.**

Respectfully submitted;

Nicole Lawrence,
Planning Board Secretary