

# **Town of Forestburgh**

## **Sullivan County, New York**



# **Comprehensive Plan**

# **2006**

**Town of Forestburgh, Sullivan County New York  
Comprehensive Plan**

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***Section I - INTRODUCTION***

“Comprehensive plan statutes permit a community to look well beyond its zoning law and to identify what a community could be tomorrow and fifty years later. It affords a blueprint for achieving these ends and allows the integration of many disciplines - transportation, human services, recreation, environment, economic development - into a single, cohesive plan. To ‘change the paradigm’ for the comprehensive plan it must be viewed as a tool which can provide the venue and the process for identifying how people in a community want to live, what is important to their lives and what natural and built environments bring the ‘sense of place’ people crave.” – From NYS Department of State Legal Memorandum LU09, “Defining a Community Through the Comprehensive Plan”

**A. Purpose**

The primary purpose of the Forestburgh Comprehensive Plan is to provide guidelines for future growth in the Town of Forestburgh. In order to maintain the rural character and environmental quality of the area, the Comprehensive Plan will be used in updating and revising the Town Zoning Ordinance and Map, which will regulate the uses to which land may be used after its adoption. The Comprehensive Plan will provide residents and nonresidents with an idea of the uses to which all land within the Town may be legally used after revision and adoption of the new Zoning Ordinance. This Plan is a flexible document in that it can be revised to accommodate changing conditions and/or policies. The Comprehensive Plan will be reviewed and updated every ten years, or more frequently if necessary, so that it accurately reflects the needs, goals, and desires of the Town.

**B. Goals**

The Town of Forestburgh adopted its first Comprehensive Plan (then called a Master Plan) in 1988. The Forestburgh Planning Board adopted a series of goals that served as a guide in the preparation of the 1988 Plan, and which were also used in the preparation of this Plan in 2005. These are as follows:

1. Preserve the peace and tranquility of Forestburgh life so that residents may continue to enjoy their land and their quality of life.
2. Conserve the quality and quantity of natural, historic and scenic resources for the use and enjoyment of all residents.
3. Prevent degradation of surface and groundwater resources.
4. Provide for the properly-regulated and soundly-built development of housing, business, and community facilities within the Town to meet the needs of residents in a balanced manner.

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5. Ensure that every dwelling and place of work is supported by an adequate water supply, sewage treatment and disposal system or septic system, solid waste disposal, and telephone access.
6. Promote safe, quiet, efficient, and uncongested roads.
7. Provide adequate land, resources, and maintenance for recreational holdings so as to preserve the Town's rural character.
8. Maintain a balanced and equitable tax base.
9. Protect buildings and residents from the harm of flood, fire, detrimental land use, and impairment of their natural resources and property values.

***Section II - STATE LEGAL REQUIREMENTS***

The preparation, approval, and adoption of a Comprehensive Plan by a local municipality are activities governed by laws enacted by the New York State Legislature. The following, taken from the New York Department of State website on Comprehensive Plans ([www.dos.state.ny.us/cnsl/comprehen.html](http://www.dos.state.ny.us/cnsl/comprehen.html)) in December, 2004, puts these legal requirements in perspective:

**A. New York and the Comprehensive Plan**

The zoning enabling statutes in New York, which provide towns, cities and villages with authority to adopt zoning laws, require that zoning be enacted in accordance with a "comprehensive" or "well considered" plan. Zoning adopted in accordance with a comprehensive plan has traditionally been upheld by the courts in New York, even where that plan has not been found in a single document labeled "The Comprehensive Plan." Instead, in the absence of a statutory definition of "comprehensive plan," the courts have looked to whether the zoning law in question is "consonant with a total planning strategy, reflecting consideration of the needs of the community." (*Udell v. Haas*, 21 NY2d 463). In other words, a local government must show that the

"...zoning changes must indeed be consonant with a total planning strategy, reflecting consideration of the needs of the community.... What is mandated is that there be comprehensiveness of planning, rather than special interest, irrational *ad hocery*. The obligation is support of comprehensiveness of planning, not slavish servitude to any particular comprehensive plan." (*Town of Bedford v. Village of Mount Kisco*, 33 NY2d 178, 188).

Evidence that authorities have acted in the public interest and have undertaken suitable planning or forethought can be found in planning documents, minutes of legislative meetings and the text or findings

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section of the zoning law itself. (*Asian Americans for Equality v. Koch*, 72 NY2d 121). In order to provide greater guidance to local governments which may wish to undertake a comprehensive planning process and to adopt a blueprint, comprehensive planning document for their communities, the zoning enabling statutes were amended in 1993 to define "comprehensive plan" and to explain how one may be formulated. (Chapter 209 of the Laws of 1993, adding Town Law, §272-a; Village Law, §7-722; and General City Law, §28-a). If a comprehensive plan is adopted under these statutory provisions, the plan will not only provide the rational basis for regulatory measures such as the local zoning law, but will guide other future decisions, such as capital expenditures. (Town Law, §272-a(11); Village Law, §7-722(11); General City Law, §28-a(12)).

A local government need not adopt a comprehensive plan under the new statutory provisions. The traditional, court-rendered rules regarding comprehensive planning continue to apply in those communities which do not. However, for those communities who wish to imprint both their built and natural environments with community-devised, long-ranged goals, the comprehensive plan is the ideal vehicle for doing so. A brief summary follows of the major and most important legislative requirements affecting this process.

### **B. Article 16 of the Town Law: Zoning and Planning**

Section 263 of the Town Law requires that a zoning ordinance and map “....shall be made in accordance with a comprehensive plan....” It further requires that zoning regulations be “....designed to lessen congestion on streets, to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, as far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.” It adds that zoning regulations “....shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.”

Section 272-A of the Town Law authorizes a town planning board to prepare “....a comprehensive master plan for the development of the entire area of the town, which master plan shall show desirable streets, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, pierhead and bulkhead lines, waterways and routes of public utilities and such other features existing and proposed as will provide for the improvement of the town and its future growth, protection, and development, and will afford adequate facilities for the public housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population.” It authorizes the town planning board to hold public hearings on a proposed comprehensive plan and requires that any such hearings be advertised in a newspaper of gen-

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eral circulation throughout the town at least ten days before each public hearing. The Law further requires that certified copies of the plan, and all modifications, be filed with the Town Engineer or the Town Highway Superintendent and the Town Clerk.

### **C. Article 8 of Environmental Conservation Law: State Environmental Quality Review (SEQRA)**

This legislation was adopted to “...encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and enhance human community resources; and to enrich the understanding of the ecological systems, natural, human and community resources important to the people of the State.”

Section 8-0113 of the Environmental Conservation Law required the Commissioner of the Department of Environmental Conservation to adopt rules and regulations implementing the provisions of Article 8. These rules and regulations are Part 617 of the New York Code of Rules and Regulations and they classify the “...adoption of a municipality’s land use plan or zoning regulations...” as a Type I action which is likely to require the preparation of an Environmental Impact Statement and which may require the holding of a public hearing. In any event, it is a legal requirement that the administrative procedures of 617 be followed prior to the adoption of a comprehensive plan and zoning ordinance.

### ***Section III - BACKGROUND AND ANALYSIS***

The following analysis summarizes key facts and trends related to future development in the Town of Forestburgh:

#### **A. Population Characteristics**

##### **1. Permanent Population Trends**

In the period between 1940 and 1960, Forestburgh’s population declined from 389 to 356, an 8% decrease (see Chart 1). Between 1960 and 1970, however, the Town’s population increased by 33%, surpassing the 1940 population figure of 389 by almost one hundred persons.

The growth rate for the 1960 to 1970 period was the second highest in the County. From 1970 to 1980, Forestburgh grew from 474 to 796 persons, a 68% increase in population. The Town continued to be the second-fastest growing town in the County.

The 2000 Census indicated Forestburgh's population had climbed to 833 persons, up 219, or 35.7%, over 1990. The 1990 Census recorded 614 persons, which represented a 22.9% decline from 1980. This wide variation in patterns is partly a reflection of shifting economic conditions but may well also reflect 1990

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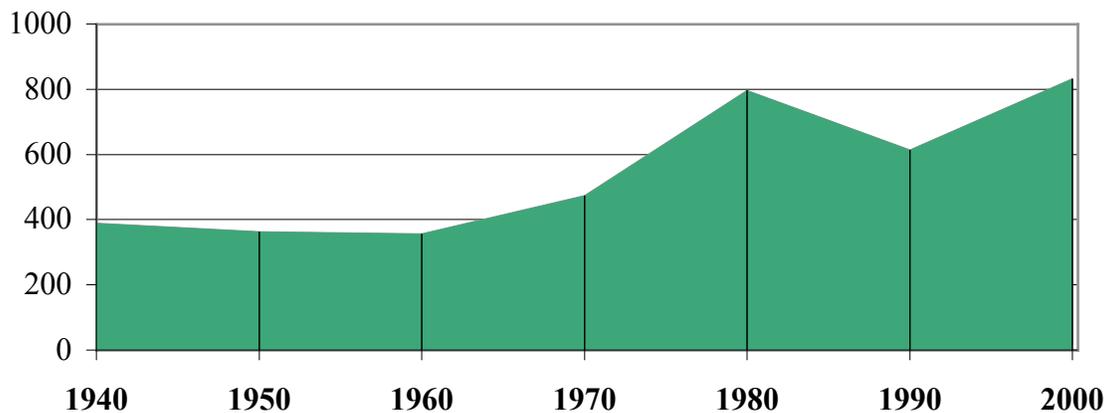
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counting errors. Regardless, the long-term trend is clearly toward continued growth. As of the year 2000, Forestburgh's population of 833 ranked last (smallest) of the fifteen towns in Sullivan County. It was 63 percent of the size of the fourteenth-ranked town, Cocheton (1,328 persons). The actual population as of 2005 is not known for certain, and while there has likely been a marginal increase, the Town is still by far the smallest in terms of population in Sullivan County.

**Chart 1: Forestburgh Population, 1940-2000**

YEAR	POPULATION	CHANGE	% CHANGE
1940	389	N/A	N/A
1950	364	-25	-6.4%
1960	356	-8	-2.2%
1970	474	118	33.1%
1980	796	322	67.9%
1990	614	-182	-22.9%
2000	833	219	35.7%

*Source: U.S. Bureau of the Census*



Projecting population changes in a second-home area such as Forestburgh is extremely difficult and may not be very useful because the pattern is so dependent on individual development decisions. The aging of its population and an economic recession in the region slowed Forestburgh's growth for a time. Nonetheless, there is no doubt that the Town is growing again and will continue to grow, given its

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proximity to rapidly developing Orange County and given the changes being experienced in neighboring areas of Sullivan County. The question is only one of timing. There are several large undeveloped tracts of forest land even raises the prospect of dramatic changes in growth pattern on the horizon, if one or more of these tracts should be developed. The Town will therefore be well-served to maintain up-to-date land use regulations to guide this growth if and when it comes, whether it be in 2005 or 2010.

### **2. Seasonal Population Trends**

The seasonal population of Forestburgh has long been significant, although it has declined over recent decades. According to the 1970 Census, 215 housing units, or 53% of the 408 total number of housing units were "seasonal units." Based on this housing count and an estimate of 3.0 persons per housing unit (the average household size of occupied housing units in Forestburgh according to the 1970 Census), it is estimated that the seasonal community totaled approximately 645 people in 1970. On a comparative basis, 185 or 39% of the 477 total number of housing units in 1980 were "seasonal units." Using similar estimates which include a reduction in the average household size from 3 persons to 2.8 persons according to the 1980 Census, the total seasonal population was approximately 518 in 1980, a 20% decrease from 1970. The 1990 Census indicated a slight rebound in this category, with 202 housing units designated as "occasional use."

The 2000 Census showed a decline to 152 units, indicating conversion of second homes to first homes. Second-home studies have indicated that these units are occupied by households with an average size of approximately 3.3 persons, which suggests a peak seasonal population for the Town of 502 persons; this is about 60% of the permanent population. Second-home numbers have obvious connotations for land use planning in that secondhome dwellers tend to demand a more "clean and green" environment, look for recreational opportunities, and seek convenience-type services. A strong second-home industry is also a harbinger of future growth because many of these owners and visitors will continue to convert to permanent residents over a period of time. Indeed, two-thirds or more of the Town's 1990-2000 growth can be explained by such conversions. Thus, Forestburgh still has a considerable seasonal population, and it is important to consider this segment of the population when planning for the future of the Town in any manner.

### **B. Age Characteristics**

The Forestburgh population has become somewhat older over the decade from 1990 to 2000. Persons 24 years of age or younger dropped from 39.6% of the total in 1980 to 32.6% in 1990 to 27.3% in 2000, while persons aged 25 to 64 years grew to 56.7% and those over 65 years old increased to 16.0%. This may well reverse with new in-migration, as has been the case elsewhere, but it indicates Forestburgh is not as popular with young families as it once was.

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The following statistics come from the 2000 federal census:

Population	833 (4.6% increase over 20 years)
Male	398
Female	435
Under 18	184
18 and Over	649
65 and Over	133
Median Age	43

**C. Housing**

The 1980 Census indicated that there were 477 housing units in Forestburgh. This represented a 17% increase in the housing stock from 1970, when there were 408 units. Forestburgh's total housing units actually declined from 477 in 1980 to 465 in 1990 but increased to 500 units in 2000. Renter-occupied units represented only 7% of the total housing stock in 1990 compared to 12% in 1980, but increased to 17% in 2000 - a similar reversal in trends. There were 30 mobile homes in 1990, a relatively small number representing only 6.5% of the total housing stock. The number of mobile homes in 2000 was 27.

The following statistics come from the 2000 federal census:

Number of Households	327
Households Owned	271
Households Rented	56
Average Household Size	2.53

**D. Subdivision Activity and Building Construction**

Forestburgh had very little subdivision activity from 1978 through 1985. A total of 12 plats and 95 lots were on record in the County Clerk's office for this span of time. Building activity, however, increased considerably. There were only 4 building permits authorized in 1978; by 1985 this had increased to 25, a five-fold increase.

Most of these building permits were for residential dwelling units and miscellaneous construction (such as additions or renovations). Most of the residential dwelling units were traditional single-family homes, although there was an increase in the number of mobile homes permitted since 1982, a phenomenon that has been seen throughout the County. The 1988 Master Plan noted that, "If economic conditions remain stable Forestburgh is likely to continue growing. As one of the towns located in the eastern half of the County, Forestburgh is more likely to feel development pressures from the New York

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metropolitan area than the western towns. It is therefore important for Forestburgh to carefully evaluate its resources so that growth and development is undertaken in an orderly, planned manner.”

Clearly that was a visionary, and correct statement, especially in light of changes in more recent years.

Chart 3 reflects building activity in Forestburgh from 1992 through 2004, as supplied by the Town of Forestburgh Building Inspector. Data for the years 1986 through 1990, as well as 1991, was not on file in the office of the Building Inspector. There has been a significant increase in the number of permits issued by the building inspector in recent years, although most of these are related to ancillary structures or improvements, such as decks, garages, room additions and the like.

With the exception of the year 1995, permits for the construction of one-family dwellings in Forestburgh have been rather steady, and relatively low in number. However, the year 2004 saw over a 100% increase in permits issued compared to 2003. Given that the total number of housing units in Forestburgh was 500 according to the 2000 census, and that a total of 39 residential permits were issued from 2000 through 2004, it can be determined that Forestburgh’s housing stock has increased by 7.8 percent in the last five years, with the majority of that occurring in 2003 and 2004.

Increased building development in neighboring Sullivan and Orange County communities makes it likely that Forestburgh will continue to see increased building activity in 2005 and throughout the current decade.

<b>Chart 2: Forestburgh Building Activity, 1978 - 1985</b>									
	<b>1978</b>	<b>1979</b>	<b>1980</b>	<b>1981</b>	<b>1982</b>	<b>1983</b>	<b>1984</b>	<b>1985</b>	<b>Total</b>
All Permits	4	5	9	12	12	16	14	25	<b>97</b>
One Family	3	1	3	1	6	9	6	8	<b>37</b>
Two Family	-	-	-	-	-	-	-	-	<b>0</b>
Multi-family	-	-	-	-	-	-	-	-	<b>0</b>
Mobile Homes	-	4	1	3	1	2	3	4	<b>18</b>
<b>Total Residential</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>7</b>	<b>11</b>	<b>9</b>	<b>12</b>	<b>55</b>
Commercial Permits	-	-	-	-	1	-	-	-	<b>1</b>
Industrial Permits	1	-	-	-	-	-	-	-	<b>1</b>
Miscellaneous Permits	-	-	5	8	4	5	5	13	<b>4</b>

*Source: Town of Forestburgh Building Inspector, 1988*

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**Chart 3: Forestburgh Building Activity, 1992 - 2004**

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	Totals
<b>All Permits</b>	36	19	15	20	27	25	25	28	22	15	15	28	36	311
<b>One Family</b>	6	5	5	13	1	6	4	4	4	2	3	8	17	78
<b>Mobile Homes</b>	2	1	-	1	2	-	-	1	1	-	1	2	1	12
<b>Total Residential</b>	8	6	5	14	3	6	4	5	5	2	4	10	18	90

*Source: Town of Forestburgh Building Inspector, 2004*

**E. Education/Income/Occupation Trends**

**1. Education**

The 1988 Master Plan reported that Forestburgh had the highest-educated population in Sullivan County. At that time, 82% of the population age 25 and older had a high school diploma, which then compared to 61.8% of the entire county. Forestburgh still has one of the best-educated populations in Sullivan County. According to the 2000 Census, 88% of Forestburgh's population over 18 years of age had high school diplomas and fully 37.8% had college degrees.

**2. Income**

In 1980 the median income of households in Forestburgh was \$17,964, approximately 38% more than that of Sullivan County as a whole (\$12,988). In 1980, over 12% of Forestburgh's families had an income of \$35,000 or more, whereas 9% of the families in Sullivan County had an income over \$35,000.

According to the 2000 federal census, the median household income for Forestburgh was \$56,125 as compared to \$36,998 for the County. As of 2000, Forestburgh's median household income was the highest of all towns in Sullivan County. The second highest was Neversink, at \$45,174. The statewide average is \$43,393.

The \$19,127 difference between the medians for Forestburgh and Sullivan County indicates that Town incomes are 52% higher than the County. The spread has also increased significantly from 1980 when it was only 38%. The proportion of the 2000 Forestburgh population below the poverty level was 4.1% in Forestburgh, compared to 11.6% for Sullivan County as a whole. In 2000 there were 7 persons in Forestburgh aged 65 years or more who had incomes below the poverty level. This is a reversal from 1990 when Forestburgh had no seniors below the poverty level.

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**3. Employment**

Census data indicates Forestburgh's employed population is increasingly of a managerial, professional, or administrative occupation, that proportion of the labor force having increased from 22% in 1980 to 41% in 1990 to 45% in 2000, more than doubling over the two decades.

This very clear pattern accounts for the income growth of the community and indicates why it has become more exclusive in recent years. It has become home to the professional and managerial populations.

**4. Commuting Patterns**

The 2000 Census indicates that Forestburgh residents typically travel 31.8 minutes to work, versus 23 minutes in 1980. The present number is rather high for a rural community so close to both Monticello and Port Jervis. This suggests many have jobs outside of the immediate area.

**5. Other Census 2000 Statistics**

The following are some of the other key statistics for Town of Forestburgh residents, obtained from the 2000 Census.

Median contract rent	\$684
Detached single-family housing	460 units
Number of households	327
Number of families	222
Housing units newly occupied after 1989	171
Median family income	\$60,139
Mean retirement income	\$13,238
Persons below poverty level	58
Per capita income	\$26,864
Labor force (males)	338
Labor force (females)	332
Persons with mobility or self-care limitation	111
Largest employer of residents (Education/Health/Social)	95
2nd largest employer of residents (Construction)	50
Largest ancestry group	Irish
Population working at home	23
Structures built after 1989	114

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### **F. Utilities/Business**

#### **1. Public Utilities**

Orange and Rockland Utilities, Incorporated, a subsidiary of Southern Energy/Mirant Corp., currently operates four hydroelectric plants on the Mongaup River, two of which are on the Forestburgh side of the river. The hydroelectric plants are non-conforming uses in residential areas, and supply a minor amount of O&R's total net power production. The parent company protested the municipal tax assessments of the utility company, particularly the valuation of the plants, and as a result of a mid-2004 court-approved settlement during litigation, the company received a large reduction in its assessed valuations and a large tax refund. The effect of this will carry forward for years to come, resulting in a significant loss in property valuations in the town that must be made up by all of the taxpayers, and the necessity to refund \$302,000 to Mirant. Approximately half of that was paid from monies available in January 2005. The remainder was paid by issuing a 5-year municipal bond for \$150,000.

#### **2. Retail Business**

There is very little existing retail business in Forestburgh. Perhaps the major reason for this limited amount of retail development is the close proximity of Forestburgh to Monticello and Port Jervis. This would account for the heavy traffic on State Highway 42. In Monticello, which is approximately ten miles from Forestburgh, and in Port Jervis, which is approximately 15 miles from Forestburgh, there is a wide range of retail businesses to suit the needs of Forestburgh residents.

### **G. History and Architecture**

#### **1. Background**

Forestburgh lies in Sullivan County, principally between the high ridges of the Neversink River and the Mongaup River; the Orange County Town of Deerpark is at its southern boundary and the Sullivan County Town of Thompson is its primary northern neighbor. The Town was officially established by an act of the State legislature on May 2, 1837. Most of the Town of Forestburgh was taken from the Town of Thompson, except for a few hundred acres which were taken from the Town of Mamakating.

Forestburgh's main industries in its early years were tanning, quarrying and lumbering. The mountains on either side of Bushkill Creek contained quarries of flagging, curbing and building stone (also known as bluestone). The largest of these was Paradise Quarry in Oakland Valley. Stone from this quarry was used to construct the Episcopal Church in Monticello. Many of the old sidewalks in New York City were said to have come from this area.

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The largest tannery was at Gilman's Station, which was later renamed St. Joseph's Station. According to French's Gazette, published in 1858, there were thirty-nine tanneries within the township, producing 100,000 sides of leather annually.

The opening of the Monticello and Port Jervis Railroad in the 1870s stimulated the lumbering, tanning and quarrying industries. The railroad entered Forestburgh at the Town's northern border and extended through it in a southerly direction along the Bushkill Creek Valley. In addition to assisting the Town's industrial base, the railroad also brought summer residents from New York City. The population of the Town in 1870 was 916, greater than the present day population of 833.

The quarrying industry began to decline in the late 1890s with the invention of concrete. The oak and hemlock bark used in tanning became scarce, signaling the end of the tanning industry. It was at this point, however, that the resort industry began to flourish in Forestburgh. Many homes in Oakland Valley began operating as boarding houses during the summer months when city residents came north on the train from New York. The Hartwood Club and Merriewold Park were born, and the Convent of St. Joseph's was established, along with summer camps for boys and girls and a Catholic boarding school.

By the mid-twentieth century the automobile caused the railroad to cease operation in Forestburgh. This substantially reduced the number of tourists who came to the town by train. Forestburgh slowly evolved into a rural-residential town, with many people commuting to jobs in nearby towns.

Although small, Forestburgh is very much alive and active. Its Volunteer Fire Company was established in 1963 and proudly serves the Town. The townspeople worked diligently to keep St. Thomas Aquinas Church, one of only two houses of worship in Forestburgh, alive. The other religious sanctuary is a Temple on Sackett Lake Road, open only during the summer months. Forestburgh has a couple of scout troops as well as a Town recreation program. For many years the Forestburgh Theater has been providing classical entertainment for Town residents and visitors.

The Town established its first zoning ordinance in 1973 and has had subdivision regulations since 1978. Large portions of the Town continue to be owned by groups or individuals who have large contiguous tracts, which has until now assured the continued rural/open space character of the Town. This includes two New Jersey Boy Scout Camps and the State of New York, which owns a large amount of land in the eastern portion of Town in the Neversink River Unique Area and in the western portion of Town along the Mongaup River.

A new town hall building was dedicated in 1980, containing a court room, a supervisor's office, an assessor's office, a clerk's office, and a large recreation room. There is also a swimming pool on the property for the use of Town residents, a children's play area by the pool, and a small park-like area with an historic log cabin.

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Forestburgh has a long and proud heritage. Many of the people who live in the Town are descendants of early settlers. The Town is characterized by the fact that much of its land remains as open space, preserving a resource and a way of life highly valued by its residents. In looking toward the future, the Town seeks to protect its heritage so that future generations may enjoy the same quality of life that townspeople enjoy today. (See goals established in Introduction.)

### **2. Historical and Architectural Resources**

The historical and architectural resources of Forestburgh are rich and quite diverse in character. Among the most important are the Forestburgh log cabin, one of the earliest structures built in Sullivan County, the Blackbrook District School, the Stokes-Hartwell Mill Foundation, David H. Handy's Grave, the Railroad Station (Gilman's Depot), and the old Hartwood Post Office.

Built in the 18th Century the Forestburgh log cabin was covered up by a later period structure for many years. It was discovered as part of a remodeling project and preserved by the Town with assistance from Town, County, Federal and private individuals and groups.

The Blackbrook District School, located on Route 42 near St. Joseph's, was a rural school. It has been preserved and is in good condition today in private ownership. Along Route 42 and Mill Road are the remains of the Stokes - Hartwell Saw Mill Foundation. Built by Jesse Dickinson, a noted constructor of mills, it was originally owned by Stokes who was a County Judge and a member of the assembly. William Hartwell, also a prominent citizen, later bought the mill in 1850.

David Handy was the first settler in Forestburgh. He served in the American Revolution and died in 1814. His grave site is noted by one of the eleven historic markers in the town. The old Railroad Station (Gilman's Depot) is located on St. Joseph's Road. Made of stone and shingle, it served as a railroad station for the Port Jervis to Monticello Railroad from 1871-1958. The railroad was the major transportation mode used to bring visitors to St. Joseph in the late 19th and early 20th centuries.

The Hartwood Post Office was designed by Bradford Gilbert, an architect of the stone and rustic stations on the Ontario and Western Railroad. Built by Willis Butler in 1899, the stone house served as a post office from 1899 to 1945. It is a good example of the stone homes built in Forestburgh during this era.

Other outstanding historical and architectural resources include the Old Town Hall, the Forest Shrine and Cardinal Hayes Memorial, St. Thomas Aquinas Church, the Old Forestburgh Graveyard, the Ontario and Western Railroad Bridge and the Hartwell - Benzien Stone Wall.

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## **H. Transportation**

### **1. Roads**

Forestburgh's highways are maintained by three agencies: the New York State Department of Transportation, the Sullivan County Department of Public Works and the Town of Forestburgh Highway Department.

State Route 42 is maintained by the New York State Department of Transportation and runs from the Town's northern border with Thompson to the Town's southern border with Orange County. This road is 7.86 miles long in Forestburgh and has a concrete base 18-24 feet wide with paved shoulders and an average speed of 55 miles per hour.

There are six County Roads in Forestburgh. Two roads run parallel to Route 42 and the others traverse the Town in a more east-west direction. Together these roads are 20.96 miles in length and average 16-20 feet wide with graveled shoulders and average speeds of 45 to 55 miles per hour.

There are 37 Town Highways in Forestburgh totaling 33.63 miles. Paved roads comprise 23.8 miles (70.8%); gravel roads comprise 6.23 miles (18.5%) and dirt roads comprise 3.6 mile(10.7%). Widths, average speeds and conditions vary widely; paved roads are 20 feet wide with average speeds of up to 55 miles an hour, while dirt roads are 14 feet wide with average speeds of under 25 miles per hour. There are 9 roads which may be considered as more than local collectors. They are French Clearing Road (TH 7), St. Joseph's Hill Road (TH 20), Black Brook Drive (TH 27), Cross Street (TH 29), Valley Road (TH 30), Lake Joseph Drive (TH 19), Lena Rd. (TH 35), V. Toomey Rd. (TH 36), and North Rd. (TH 14).

### **2. Traffic**

Travel in and through Forestburgh is chiefly generated to the north and south via State Route 42 and to the east and west via County Roads 43, 48 and 49. State Route 42 is by far the most heavily traveled road in Forestburgh. It is a major northerly conductor for traffic coming from neighboring Orange County, and from Pennsylvania, to Monticello in the neighboring town of Thompson, and to State Rt. 17 (soon to become Interstate 86). It is also a major southerly conductor for traffic coming from Thompson and elsewhere in Sullivan County.

The traffic volume for county routes is currently classified as low volume. The traffic volume on Forestburgh's portion of Rt. 42 is currently among the lowest of all state roads in Sullivan County. Recent traffic counts for state and county roads appear in Chart 4. With casino gaming an increasing likelihood in Sullivan County and two or more casinos proposed for the Town of Thompson, with the conversion of

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Rt. 17 to an interstate, and with increased development currently being planned for the Town of Thompson and elsewhere in Sullivan county, it is reasonable to expect that traffic volume will increase significantly along Forestburgh’s portion of St. Rt. 42 in the next decade, and perhaps on county routes as well, especially CR 49 and CR 101.

<b>Chart 4. Traffic Counts in Forestburgh, 2003 and 2004</b>			
<b>Road</b>	<b>Location of Count</b>	<b>AADT* 2003</b>	<b>AADT 2004</b>
CR 43	Fowlerville Bridge		557
CR 44	French Clearing Rd. Intersection		243
CR 48	Rt. 42 Intersection		406
CR 49	Oakland Valley Bridge		638
CR 101	Bridge North of the Eden Brook, Fish Hatchery Driveway		217
CR 108	Western Portion by The Forestburgh Inn		60
CR 108	Eastern Portion by Gillman Station		70
SR 42	Orange County Line to CR 48 Intersection, 3.95 Miles	947	
SR 42	CR 48 Intersection to CR 108 Intersection, 2.90 Miles	1,403	
SR 42	CR 108 Intersection to CR 45 Intersection (Thompson) - 3.70 Miles (2002)	2,448	

*Sources:*  
 (1) Town of Forestburgh Highway Superintendent  
 (2) 2003 Traffic Volume Report of the N.Y.S. Department of Transportation.

\* AADT = Annual Average Daily Traffic, and reflects total traffic volume in both directions.

**I. Water**

The Town of Forestburgh is situated between the Neversink River on the east and the Mongaup River on the west, and is in the Delaware River Basin, the waters of which are described by the state as being “of generally good to excellent quality.”

The basis for water quality management in New York State is the Water Classification System promulgated by the Division of Water (DOW) of the New York State DEC. All surface waters and ground waters are classified based on their best uses, such as drinking, bathing, fish propagation and/or fish survival. Classifications are reviewed and updated periodically to reflect new information and/or changing conditions.

Once a water is classified as to its best use, corresponding water quality standards are applied to protect its best use. Water quality standards are descriptive limits, generally expressed in numeric concentration, for quantities of certain chemical, biological and physical constituent in the water. They identify the amounts of substances that can be present in a water without impairing best uses.

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Based upon studies of the nature and effects of the substance, DOW has adopted specific standards to protect aquatic life, wildlife and human health. These may be found as Appendix II of this Plan.

### **1. Water Supply**

Among utilities (pipe and wire channels), it is water supply that is likely to be most critical at the community scale. Certainly in Forestburgh, adequate water supply and water quality are of prime concern. At the present time the Town does not regulate individual water supply wells. The quantity, potability and development of available water may pose a serious check on development or prevent it. Another concern is the effect of drought and the construction of large-capacity deep wells on adjacent smaller wells. The New York State Public Health Law requires community water systems for subdivisions of fifty or more units.

### **2. Groundwater**

Groundwater from individual wells is the source of almost all of Forestburgh's water supply. Although annual rainfall has been sufficient to provide bedrock aquifers with enough recharge to support widespread withdrawals for domestic consumption, groundwater shortages may occur due to locally excessive pumping, decreased recharge (induced by increased runoff), or periods of low annual rainfall. The retention of rainwater is necessary to replenish local groundwater supplies.

It is thus important to protect the Town's freshwater wetlands, as they act as recharge basins for subsurface water supplies. Disturbance or development of these wetlands could reduce the supply of freshwater for domestic consumption. Forestburgh's steep slopes and relatively impermeable soils produce naturally high rates of runoff. Development design that serves to reduce runoff and erosion also functions to increase recharge, and should be emphasized. The stratified sand and gravel deposits located near Oakland Valley, Denton Falls, Gilman Pond, Hartwood, Rio Reservoir (along Black Brook), Forestburgh Pond, St. Joseph's and the Crescent Lake/Stump Pond area are capable of high rates of recharge and yield water to wells at significantly greater rates than bedrock.

### **3. Surface Water**

Although the Town of Forestburgh is heavily wooded it also contains many streams, rivers, lakes and ponds. Approximately 80% of these streams originate outside the Town; therefore, the Town has somewhat limited control over the quality of its waters, although it would be wise to be pro-active with regard to issues in neighboring communities.

Water courses in Forestburgh belong to either the Neversink River Sub-Basin or the Mongaup River Sub-Basin. The Mongaup River, which includes three reservoirs (Swinging Bridge, Mongaup Falls, and

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Rio), serves as Forestburgh's western border. The Neversink River serves as Forestburgh's eastern border, and flows in a southerly direction bounded by steep slopes on both sides of its banks. The Neversink River has been recognized by The Nature Conservancy as one of "75 Last Great Places" based on its superior water quality and ability to support rare and pollution-sensitive species of mussels, which occur in the Neversink River approximately 6.5 miles below the Unique Area. The portion of the Neversink River flowing through Forestburgh has long been recognized as having an excellent trout fishery. Other important bodies of free-flowing water include Eden Brook, Little Eden Brook, Turner Brook, Bush Kill Creek, Burnt Hope Stream, Black Brook and Mullet Brook.

The majority of the water courses in Forestburgh are categorized by the New York State Department of Environmental Conservation (DEC) as "Class B". Class B waters are best used for primary contact recreation - swimming, boating and fishing. Some of Forestburgh's waters are categorized as "Class B(T)", a higher and more stringent designation because they are capable of supporting trout.

Forestburgh is also endowed with more than 15 lakes and streams. St. Joseph Lake, Merriewold Lake, Ruddick Pond, Burnt Hope Lake, Echo Lake, Hemlock Lake, Trout Lake and Gillman Pond are among the largest in the Town. Many streams feed into these lakes and ponds; therefore, the quality of the Town's free-flowing waters directly effects the quality of its lakes and ponds. In addition, the best drained soils in Forestburgh are located near many lakes. Development is most likely to occur in such areas because of good soil and the aesthetic location. Such development must be carefully undertaken so that groundwater is not polluted through these high recharge areas.

#### **4. Freshwater Wetlands**

Freshwater wetlands are one of the most diverse and important ecosystems in nature. Wetlands aid in flood and storm control, absorbing large amounts of water during periods of heavy rainfall. They assist in recharging groundwater supplies and in reducing pollution. Erosion activity is considerably reduced by wetlands which hold suspended particles and reduce the velocity of flowing water. Wetlands recycle organic and chemical nutrients, serve as habitat for a wide range of wildlife and fish, and provide hunters, anglers, hikers, and bird watchers with recreational opportunities. Wetlands are also educational and scientific research areas and serve an important role in open space preservation.

The Freshwater Wetlands Act (FWA) – Article 24 of the Environmental Conservation Law – provides DEC with the authority to regulate freshwater wetlands in the state. The NYS Legislature passed the Freshwater Wetlands Act in 1975 in response to uncontrolled losses of wetlands and problems resulting from those losses, such as increased flooding. The FWA protects those wetlands larger than 12.4 acres (5 hectares) in size, and certain smaller wetlands of unusual local importance. The law requires DEC to classify and map those wetlands that are protected by the FWA. Around every regulated wetland is a regulated adjacent area of 100 feet, which serves as a buffer area for the wetland. Anyone wishing to

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dam, dredge, or build on or within 100 feet of a State wetland must first obtain a permit from the DEC. Wetlands smaller than 12.4 acres are subject to regulation by the Federal government through the U.S. Army Corps of Engineers. Anyone wishing to dam, dredge, or build on or within 100 feet of such a wetland must first notify the Corps of Engineers and follow their regulatory procedures.

According to the Freshwater Wetlands Maps created by the Department of Environmental Conservation in 1986, Forestburgh has 39 state-designated wetlands at least 12.4 acres in size, defined by vegetation and soil types from aerial photographs, soil maps and field work. There are 31 such wetlands wholly within Forestburgh, plus 8 that straddle Town boundaries. Forestburgh's freshwater wetlands range in size from 12.4 acres to 112 acres.

The 1988 Forestburgh Master Plan stated that 1,511 acres of the Town of Forestburgh, or 4.2% of its land area, was comprised of wetlands. That total could not be confirmed in 2004, and it is unclear whether it included all or part of the wetlands that had shared boundaries. Nevertheless, a fair amount of the town's land area is designated as wetlands of 12.4 acres or more in size. Furthermore, there are additional freshwater wetlands in the town that are smaller than 12.4 acres.

It is possible for the Town to enact a wetlands protection ordinance that is more stringent than the state FWA. Under the Municipal Home Rule Law in New York State, communities have the right to enact local legislation governing wetland, waterbody, and watercourse protection. Local governments have the greatest potential power to implement comprehensive and effective management of wetlands and watercourses.

Numerous towns throughout the state have adopted local ordinances. In Dutchess County, the Towns of Pawling and LaGrange have adopted local wetland protection laws. The local ordinances define wetlands using the Federal definition, which includes vegetation, soils, and hydrology. The New York FWA defines wetlands primarily using only vegetation. Thus, a local ordinance may be used to regulate State-designated and non-designated wetlands smaller than 12.4 acres whether or not the guidelines to assume regulatory authority under Article 24 are also adopted.

### **5. Storm Water Drainage**

The chief problem concerning storm water relates to sudden flooding due to increases in the amount of impermeable cover resulting from land development. Related problems include erosion and sedimentation on land and in streams due to improper runoff.

Most local storm drainage problems are caused by undersized culverts, ditches, and drains, inadequately protected embankments, sediment, and debris-blocked channels. A combination of firm land use controls (such as good subdivision regulations, special permit procedures and site plan review) and comprehen-

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sive development regulations are necessary to prevent such problems. Natural streams and swales are appropriate channels for storm water, provided that the additional runoff generated by new construction is diverted into retention basins or dry wells by properly constructed drainage channels. The least expensive and most beneficial form of drainage, of course, consists of allowing nature to do the work.

New York State law requires that anyone who disturbs more than one acre of land needs a permit from the DEC, and must plan and provide for erosion and sediment control.

### **6. Flood Hazard Areas**

The Town of Forestburgh has no areas in the 100-year flood plain. Flood plain maps were rescinded in 1984 and the Town was declared by the Federal Emergency Management Agency (FEMA) to be in the regular phase of the Flood Hazard Program. This means that although the Town has no flood-prone areas, persons are eligible to buy low-cost flood insurance if they so desire.

This does not mean that there is no flooding in the town, however. Some flooding has occurred after unusually heavy rains, usually because streams have overflowed their banks. While there has been little or no damage to personal property, the Town has experienced damage to some roadways, ditches, and bridges. The storm-related flooding of Black Brook in late 2003 damaged the bridge near the confluence of Black Brook and the Mongaup River, causing the entire bridge to be replaced at considerable expense to the Town in 2004.

The town experienced the worst flooding event in at least 50 years on April 2, 2005, when over 5 inches of rain, aided by snow residue in the woods and no ground absorption of water, caused massive runoff and stream and river flooding throughout the entire town. Between \$750,000 and \$1 million dollars' worth of damage was done to town roads. This included the washout of two bridges and the partial washout of several other bridges, as well as severe damage to 28 out of 33 miles of the town's roads.

Further extensive development along areas adjacent to any water body, or that would increase stormwater runoff to these water bodies, could exacerbate flooding-related problems in the future, and cause more problems for the Town of Forestburgh highway department.

### **7. Waste Treatment**

The disposal of sanitary waste will have an important effect on the future growth and development of Forestburgh. Individual household sewage disposal systems will continue to be the dominant method of sewage treatment throughout the Town. Adequate household sewage disposal system standards will provide for the safe and sanitary disposal of household waste water. Properly designed, maintained and operated sewage disposal systems will minimize the chances of disease transmission and the possibility of

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contaminating either ground or surface waters. The absence of septic odor, sewage overflow, and other environmental problems caused by malfunctioning treatment systems can be achieved through sewage disposal in a sanitary manner.

New York Public Health Law 201, Section 75-A, provides detailed minimum acceptable standards for the construction of individual septic systems. It also stipulates that other agencies may set more stringent standards, which supersede state standards, and notes that when individual sewage systems overlay a drinking water aquifer, local health departments may establish population density limits and minimum lot sizes for residential development with onsite sewage treatment systems.

The law specifies various matters with regard to site investigation, most notably that slopes greater than 15% are unacceptable; soils with very rapid percolation rates (faster than one minute per inch) are not suitable for subsurface absorption systems unless the site is modified by blending with a less permeable soil to reduce the infiltration rate throughout the area to be used; and subsurface treatment systems and components of the sewage system shall be separated from buildings, property lines, utilities and wells, to maintain system performance, permit repairs and reduce undesirable effects of underground sewage flow and dispersion. It also notes that reduced separation distances may be approved upon request when the site evaluation by a design professional or soil scientist clearly establishes there will be no adverse environmental impact and will not interfere with the satisfactory operation and maintenance of the system.

Goals to be achieved in the construction of new septic systems include preventing contamination of water supplies; the creation of a breeding place for insects, rodents, and other possible disease carriers which may come into contact with food and drinking water; health hazards due to exposed and accessible ground sewage; violation of state laws and local regulations governing water pollution or sewage disposal; pollution of the waters of any bathing beach or other recreational area; and the nuisance of obnoxious odors and unsightly conditions.

To achieve these goals, the Health Department has established certain minimum standards for the installation of household sewage disposal systems. For shallow subsurface disposal units such as absorption fields, there must be at least four feet of useable soil available above rock, unsuitable soil, and high seasonal groundwater for the installation of a conventional absorption field system.

Disposal systems should be designed to reflect the most severe conditions encountered; in other words, groundwater levels should be determined at the wettest time of the year, usually April or May. Separation distances from wastewater sources suggested by the State Health Department are: from a septic tank - 50 feet to a well or water body, and 10 feet to a dwelling or property line; from a distribution box - 100 feet to a well or water body, 20 feet to a dwelling, and 10 feet to a property line; and from an absorption field - 100 feet from a well (200 feet if located upgrade) or water body, 20 feet from a dwelling, and 10 feet from a property line.

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## **J. Natural Features**

### **1. Vegetation**

Approximately ninety percent of Forestburgh's 35,000 acres is forested land; this percentage is believed to be the highest in Sullivan County. West of Route 42 the land is a mixture of deciduous (hardwoods) and coniferous (evergreen) forest. The area north of Hartwood Road between Route 42 and the Bush Kill Road is about 75% deciduous cover with a sizable amount of brush and wetlands. The area south of Hartwood Road between Route 42 and the Bush Kill Road is predominantly coniferous and mixed forest. East of the Bush Kill Road the land is a mixture of brush, wooded wetland, deciduous and mixed forest. Here the banks of the Neversink River are clearly marked by a mixed forest of coniferous and deciduous trees. Many of the oak forests in the area have been replaced by birch forests.

### **2. Slopes**

The slope or incline of the land is one of the most important factors that determines where development may take place. Constraints on development become apparent when the land exhibits a slope exceeding 25%. This, of course, can be exacerbated by soils, depth to bedrock, rock strata and the level of the water table. Mitigation measures can be used to develop land with a slope of over 25%, but such actions become very costly and do not always ensure safeguards for public health and safety.

Forestburgh is a town with rolling hills and some steep slopes. Steeply sloping areas run the full length of the Mongaup River on the western edge of the Town. The banks of the Neversink River are also extremely steep. In many areas along the River they exceed 30%. Other areas in the Town that have slopes exceeding 30% include the area directly northwest of Oakland Valley, the Bush Kill River southeast of Crane's Pond and the west bank of Little Eden Brook.

### **3. Soils**

Like most of Sullivan County, Forestburgh's soils are not first-grade soils suitable for farming or intense development. According to a Sullivan County Soil Survey conducted by the Sullivan County Planning Board and the Natural Resources Conservation Service, the most developable soil types in Forestburgh lie in the Oakland Valley area, along the Rio River, and in the northwestern part of the Town.

A good portion of Forestburgh consists of four major soil types - Catskill Very Stony Loam (Co); Culvers Stony Loam (Cu), Lackawanna Very Stony Silt Loam (Lm) and Lackawanna Very Stony Silt Loam, Shallow Phase (Lms). The majority of this land is pasture, hay or forested. In most instances these soils have severe and moderate limitations for the construction of dwelling units (with and without basements), roads and streets, septic tank absorption fields and campsites.

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Catskill Stony Loam is the most extensive soil in the County; large areas are mapped in the southern towns in the plateau areas. Bedrock lies about 3 1/2 feet below the surface in most of the areas, though there are many sandstone boulders and large angular rocks in the soil and on the surface.

Culvers Stony Loam is closely associated with Catskill Stony Loam. Bedrock generally lies 48 inches or more below the surface. An area 3/4 of a mile north of Beaver Dam Pond differs from the normal soil in that it contains stratified sands and gravel in the surface layers.

Lackawanna Very Stony Silt Loam occurs mostly on steep slopes. The soil is acid and well drained with a depth of about 54 inches to bedrock. Lackawanna Very Stony Silt Loam, Shallow Phase is shallower than Lackawanna Very Stony Silt Loam. It occurs on ridge tops and steep slopes, and the relief varies according to topographic position. Bedrock is found at 21 to 24 inches below the surface.

The other major soil types in Forestburgh are Rough Mountainous Land (Rm) and Rough Stony Land (Rs). These soil types are found along the Neversink Gorge, running as far west as the New York Ontario and Western Railroad Lines and south to the Town border with Orange County. Rough Mountainous Land includes rough, extremely stony land. In Forestburgh large areas of extremely stony soils and smaller associated areas of arable soils developed from Shawangunk conglomerate materials. The depth to bedrock is about two feet. Rough Stony land is very steep and includes many outcrops, rock ledges, cliffs and large boulders. Depth to bedrock is two feet. These soils have severe limitations for the construction of dwelling units (with and without basements), roads and streets, septic tank absorption fields and campsites.

### **K. Wildlife**

Forestburgh is fortunate in possessing its exceptional variety of wildlife species, and should preserve these. Mammals found in the Town include whitetail deer, black bear, eastern gray squirrel, red squirrel, eastern cottontail, varying hare, common porcupine, gray fox, red fox, mink, otter, beaver, woodchuck, raccoon, skunk, muskrat, coyote and fisher.

Approximately 200 species of birds have been identified in the area as part of a natural resource study for the Upper Delaware Scenic and Recreational River. Migratory species include woodcock, Canada geese, redhead duck, ring-necked duck, canvasback duck, greater scaup and lesser scaup. Other waterfowl occasionally nesting in the area are the American merganser, green-winged teal, black duck, mallard duck, wood duck, rails and snipe. A variety of hawks, including the goshawk, red-tailed hawk, red-shouldered hawk, and sparrow hawk, as well as eastern wild turkey and turkey buzzard, are found in Forestburgh and the surrounding area. Several species of owls, including the barn owl, screech owl and great horned owl, are known to make their home in the Town.

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The southern bald eagle is now an over-wintering year-round inhabitant of the area, especially the Mongaup River, Rio Reservoir, and Mongaup Falls Reservoir, and many more bald eagles winter in the area. As a result of bald eagles becoming more prevalent, eagle watching has become a tourist attraction within the Town, drawing people from far distances, and the Town now uses the slogan “Winter Home of the Bald Eagle” on its road signs. The occasional golden eagle, peregrine falcon, and osprey are seen in the Town. Another important wildlife species found in Forestburgh is the eastern timber rattlesnake, which is classified by the DEC as a protected species and which is fully protected.

Protection of this animal life is necessary in preserving Forestburgh's environmental quality. Animals provide the human community with recreational and educational opportunities through activities such as nature study, hunting, hiking, and fishing. In addition, scientists are in general agreement on the ecological importance of maintaining a balanced wildlife community. While some of the wildlife mentioned can coexist with very low-density development others, such as the bald eagle, the golden eagle and the osprey, may be jeopardized by development or human intrusion. In reviewing subdivision plats and site plans the Town Planning Board should give special priority to the habitat of these species prior to granting any approvals.

**L. Park and Recreation Resources**

The nature of the Town of Forestburgh is rural, lending itself to large amounts of open space. There are three types of park and recreational resources found in the Town: public, quasipublic, and private. Chart 5 provides an overview of recreational land in the Town of Forestburgh.

<b>Chart 5: Forestburgh Recreational Land</b>		
	<b>Total Acreage 1998*</b>	<b>Total Acreage 2005**</b>
<b>Public Lands:</b>		
Public Lands: N.Y.S. Dept. of Environmental Conservation	2,951	7,202
<b>Quasi-Public:</b>		
Orange and Rockland Utilities	929	191
Mirant	n/a	573
<b>Boy Scouts (2 Councils)</b>	2,605	1,967
<b>Hunting Clubs</b>	1,623	4,992

*Sources:*  
 \* 1988 Master Plan  
 \*\* Forestburgh Assessor

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Public lands owned by the state of New York comprise 7,202 acres, amounting to 20.6% of the town's acreage. This equates to 8.6 acres per resident as of the year 2000. Due to a significant amount of land acquisition by the State of New York through the Department of Environmental Conservation, these numbers are more than double those of 1988. As reported in the 1988 Master Plan, there were 2,971 acres of state-owned land, which represented 3.7 acres per resident as of 1980. These lands provide hunting, fishing, hiking, skiing, and wildlife watching opportunities to the general public.

Quasi-public lands in Forestburgh are those owned by Orange & Rockland Utilities and its parent company Mirant Corp. Some or all of the 764 acres owned by these entities in Forestburgh is open to the general public seasonally for hunting, fishing, boating, and wildlife observation (especially winter eagle viewing).

The Town of Forestburgh owns only a small amount of land, most of that situated at the site of the Town Hall along King Road and Route 42. Recreational facilities and programs provided by The Town of Forestburgh include an outdoor swimming pool located at the Town Hall; the historic Forestburgh log cabin, one of the earliest structures built in Sullivan County; a skiing program for children in cooperation with Holiday Mountain Ski area; a children's summer arts and crafts program; and a senior citizen's program, which includes monthly meetings at the Town Hall and field trips.

### **1. Neversink River Unique Area**

The State of New York owns an extensive amount of land in Forestburgh that is under the supervision of the New York State Department of Environmental Conservation. Foremost of this is the 4,881-acre Neversink River Unique Area, sometimes called the Neversink Gorge.

The state acquired these properties under a provision of a state bond act that defined a unique area as: "A parcel of land owned by the state acquired due to its special natural beauty, wilderness character, or for its geological, ecological or historical significance for the state nature and historical preserve, and may include lands within a forest preserve county outside the Adirondack and Catskill Parks."

A Unit Management Plan (UMP) for the Neversink River Unique Area was prepared in 1997. It provides for generally passive recreational use (motorized vehicles, for example, are prohibited) with somewhat limited recreational development.

The UMP addressed the fact that Unique Area usage has been relatively low, and that this was likely to change in the future.

"As with most of the Lower Hudson and Upper Delaware Valley regions, this Unit is within two hours' drive of the New York City metropolitan area and is easily reachable by tens of millions of people within

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a days drive. The suburban areas of the metropolitan area continue to grow and develop. This increases the use and demand on public open space and especially areas with ‘unique’ characteristics. A principal economic objective of Sullivan County is to increase the number of visitors that come to enjoy the County’s natural beauty and resources, commonly called ‘eco-tourism’.

The Neversink River Unique Area has the potential to be one of the most valuable natural resource assets within the County and the larger regional area. “Several factors have limited present day use of the Unit but these factors should be considered as temporary. The relatively short State ownership of most Unique Area lands and recreational rights has been the principal reason why more people are not using this Unit. Simply stated, most people do not know about the Unique Area. As longevity of public ownership increases, more people are expected to use the Unique Area.”

### **2. Mongaup Valley Wildlife Management Area**

New York State also owns a considerable amount of land that straddles the Mongaup River in the Town of Forestburgh and the neighboring Towns of Lumberland (Sullivan County and Deer Park (Orange County), and owns conservation easements (from Orange and Rockland Utilities and Clove Development Corp.) for many more acres, thus prohibiting future development. Orange and Rockland Utilities, Inc. and/or its parent company Mirant Corp. own 64 acres of land in Forestburgh along the Mongaup River.

The total assemblage spanning the Towns of Forestburgh and Lumberland was designated the Mongaup Valley Wildlife Management Area (WMA) in the late 1980s after land and conservation easements were acquired.

The Mongaup Valley WMA is subject to general WMA regulations as provided by NYS Environmental Conservation Law. Because lands and easements were acquired to preserve sensitive bald eagle habitats and nesting sites, it is important to protect this area from extensive human intrusion. Off-road vehicles are prohibited on these lands and their access roads; outboard motors are prohibited on boats; and certain areas have restricted access. There are, however, public access opportunities for hunting, fishing, hiking, and boating. Eagle watching is extremely popular here in the winter, when bald eagles are numerous.

In June 2000, the DEC established the Mongaup Valley Bird Conservation Area, which in total incorporates 11,967 acres. A Management Guidance Summary (MGS) was written the same month; excerpts from the MSG follow:

“The Mongaup Valley Bird Conservation Area includes all of the Mongaup Valley Wildlife Management Area, and consists of a series of reservoirs, the Mongaup River, and creeks flowing through the Mongaup River Valley to the Delaware River. The river corridor is surrounded by relatively undisturbed and

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forested rolling hills. The area hosts one of the largest Bald Eagle wintering sites in the state, and also supports several active eagle nests. Rare communities include: a perched bog, a flood-plain forest, and a pitch pineoak-heath woodland. Rare species, other than birds, include Timber Rattlesnake and Spotted Salamander....

“Vision Statement: Continue current management to conserve the diversity of bird and wildlife species using the area, particularly Bald Eagles. Develop systems for monitoring status of bird species at the site, especially state-listed species....”

“Eagles continue to require open water during winter. Human disturbance around feeding areas and roost sites for eagles will be minimized (December through March). Eagle nesting sites should be left undisturbed during the breeding season. The use of power boats (outboard motors) will be restricted on the Mongaup River and reservoirs....”

There have been few reported problems in the Forestburgh portion of the Mongaup Valley WMA or BCA, other than traffic concerns where vehicles gather at the eagle viewing station at the head of Mongaup Falls Reservoir. However, the Town must be pro-active if, and when, a draft UMP is prepared by the DEC.

### **3. Private Lands**

Private recreational resources comprise a lot of the total open space in the Town of Forestburgh. Two Boy Scouts of America Councils own a total of 1,967 acres. There are various clubs in the Town that collectively own 4,992 acres of land. While the Boy Scouts and some of the state lands (Mongaup Valley Wildlife Management Area) are tax exempt, the hunting clubs provide recreational lands while still paying taxes on the land they own. Additionally, some individuals, families, or other groups own large contiguous tracts of undeveloped property, most if not all of them being in the state forest tax exemption program, which provides significant tax benefits for keeping property in a forested state, as well as state-imposed penalties for withdrawal. The Town must be pro-active in seeing that it receives monies from such penalties.

### **4. Recreation, Open Space and Tax Issues**

In summary, the Town of Forestburgh presently has adequate open space for public recreation. Its open space areas provide recreational opportunities especially enjoyed by hunting, fishing, hiking, and boating enthusiasts. Residents of the Town have to travel elsewhere to participate in such recreational activities as tennis, golf, and softball, which is not unusual for a rural, low-density town.

The 1988 Master Plan recommended that Forestburgh should endeavor to keep such a high ratio of open

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space to developed land, as it grows and develops. However, that may prove to be a challenge in the years ahead.

The character of the Town has been generally unchanged for decades due to having large tracts of undeveloped land. Forestburgh taxpayers, however, have shouldered the economic burden of this, which has resulted from state-mandated programs and activities.

Loss of tax revenue for exempt lands (owned by the state or non-profit groups) has been, and continues to be, an economic hardship for the town, and an issue that will be more significant if further lands are removed from the tax rolls when placed in state ownership. If privately held tracts are developed, there will be some loss in recreation opportunities and open space, but a potential gain in tax revenue, as well as potential repayment of some portion of taxes lost through the tax abatement program.

### **M. Land Use**

Forestburgh has a total land area of approximately 35,000 acres, chiefly in forest land. There are many large land holdings in the Town. Orange and Rockland Utilities, Inc.; the Passaic Valley Boy Scouts; the Monmouth Council of the Boy Scouts of America; Lake Joseph Development Corporation; the Federation of Jewish Philanthropies; Merriewold Club Inc.; and the Hartwood Club are some of the large landholders in the Town of Forestburgh. Several individuals or groups of people also own sizable forested tracts of land.

There is currently no farm use in Forestburgh, and commercial use is extremely limited. Land use in settled areas is almost exclusively residential. Community facilities such as the Town Hall, the firehouse, the general store, the Catholic Church and the Forestburgh Theater are located on or closely adjacent to Route 42 between Monticello and the hamlet of Forestburgh (the blinking light at the intersection of Route 42 and Routes 43 and 48).

There have been very few changes in land use in the Town since completion of the Town's Master Plan in 1988, and none which could be characterized as significant. One large recreational/residential PUD known as Centre Park was proposed and could have resulted in substantial changes, but was dropped by the developer before it could be fully processed. Other changes have principally involved isolated conversions of forest land to single-family residential use.

This activity has, until recently, been fairly limited, as indicated above. Subdivisions have typically been of a very small and somewhat isolated nature, the real estate industry having experienced a prolonged recession during the 1990s. A revival of the market in anticipation of legalized gaming in the Catskills and post-September 11, 2001 is reversing the pattern, however, with recent sales of some large properties in the Town.

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### N. Existing Zoning Districts, Uses and Minimum Lot Sizes

Concerns about maintaining the character of Forestburgh, and protecting its resources and the quality of life of its residents, lead the Planning and Town Boards to implement 2-1/4 -acre (100,000 square feet) zoning, plus 5-acre zoning in a special district. The purpose behind the creation of 2-1/4-acre zoning was not only to protect the land but to increase the likelihood of properly functioning septic systems and individual wells on each lot. The 5-acre rural district was created because steep slopes, erodible soils, wetlands and large forested tracts of land warranted greater protection.

Reaffirming and strengthening of zoning regulations is, therefore, important to preserving the Town's character. Moreover, it may be appropriate to rezone two minor business districts in the Cuddebackville area of the Town for less-intensive use, given the lack of commercial activity at these locations and their very small sizes. There is relatively little demand for new commercial development in the area, considering the proximity of the Town to both Monticello and Port Jervis. Nevertheless, some minimal enlargement of the existing business district in the north end of Town along Route 42 and French Clearing Road may be appropriate.

The regulations enacted after the 1988 Plan included district boundaries which separated use areas based upon the present uses, desired uses, and future goals and objectives. Three zoning districts, which remain in effect today, were created. These included: Rural Residential (**RR-1**), Rural Conservation (**RC**) and Business (**B-1**). An explanation of these, as they were identified in the 1988 Plan, follows:

#### 1. Rural Residential (RR-1) District

A great portion of the Town has been designated as Rural Residential. Current land uses in these areas consist of low-density residential areas, hunting areas, and summer camps. In order to adhere to the previously established goals, this rural and natural atmosphere should be preserved. Therefore, the following Permitted and Special Uses are recommended.

##### **Permitted Uses**

1. One-and Two-Family Residences (less than 15% slope)
2. Agriculture
3. Forest Management
4. Public Utilities
5. Non-Commercial Outdoor Recreation

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**Special Uses (Subject to site plan approval by the Planning Board).**

1. One-and Two-Family Residences (greater than 15% slope)
2. Animal Husbandry
3. Wildlife Management
4. Places of Worship (including parish houses, seminaries, convents, churches and other related uses)
5. Schools and Colleges
6. Campgrounds
7. Nurseries, Greenhouses and Fish Hatcheries
8. Hunting and Fishing Cabins
9. Boarding; Tourist Homes or Country Inns
10. Clubhouses for social organizations with related recreational facilities
11. Hotels and motels
12. Nursing homes, medical and dental facilities
13. Parks, libraries, museums and theaters
14. Cemeteries and mortuaries
15. Mineral Extraction

**Bulk and Yard Regulations**

Lot Width	200 feet
Front Yards	75 feet
Side Yard	50 feet (each side yard)
Rear Yard	100 feet
Lot Area	100,000 square feet
Building Height	30 feet
Dwelling Units per lot	1

**2. Rural Conservation (RC) District**

The unique character of various areas of the town necessitates the designation of a second rural zoned area. The areas along the Neversink Gorge and the Mongaup River are steeply and exhibit highly erodible soils. Preservation of these scenic and valuable lands is of prime importance in this zoning district. The proposed Permitted and Special Uses are listed below.

**Permitted Uses**

1. One-and Two-Family Residences (less than 15% slope)

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2. Forest Management
3. Wildlife Management

**Special Uses**

1. One-and Two-Family Residences (greater than 15% slope)
2. Hunting and Fishing Cabins
3. Schools
4. Churches

**Bulk and Yard Regulations**

Lot Area	5 acres
Lot Width	300 feet
Front Yards	150 feet
Side Yard	50 feet (each side yard)
Rear Yard	150 feet
Building Height	30 feet
Dwelling Units per lot	1

**3. Business District (B-1) District**

The Business District consists of three distinct areas in the Town. The first area is on the west side of Route 42 at the southern intersection with Dill Road. The second area is at the confluence of Route 42 and French Clearing Road and consists of property on both sides of Route 42. The third area is in Oakland Valley along County Road 49. These areas currently support light commercial businesses.

The following are the suggested Permitted and Special Uses for the Business District.

**Permitted Uses**

1. One-and Two-Family Residences (less than 15% slope)
2. Retail and Service Stores
3. Eating and Drinking Establishments
4. Professional Offices
5. Funeral Homes

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**Special Uses**

1. Business Offices
2. Other Offices
3. Roadside Business
4. Churches
5. Schools
6. Registered Motor Vehicles Service Stations
7. Hotels, Motels
8. Auction Houses

**Bulk and Yard Regulations**

Lot Area	100,000 square feet
Lot Width	200 feet
Front Yards	100 feet
Side Yard	50 feet (each side yard)
Rear Yard	100 feet
Building Height	30 feet

***Section IV - RECOMMENDATIONS***

Forestburgh's southerly location in Sullivan County on the Orange County border, its nearness to the village of Monticello and to State Rt. 17 (Interstate 86), and its largely undeveloped nature, suggest it may be subject to land-development pressures in the near future. Several actions are needed to address this challenge and ensure growth enhances, rather than detracts, from the quality of life within the Town of Forestburgh.

**A. Recommended Actions Toward Achieving Goals**

The issues included in Section III, along with a concern for the future growth and development of the Town, has led the Planning Board to develop a number of recommendations toward the achievement of the nine goals that were listed at the beginning of this document.

Those goals are repeated below, with general recommendations following each.

1. Preserve the peace and tranquility of Forestburgh life so that residents may continue to enjoy their land and their quality of life.

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- a. Preserve the existing low-density single-family residential nature of the Town using both large-lot zoning and open space design development as well as a specific zoning district for the protection of already developed areas of the Town.
- b. Preserve the existing rural and natural character of the Town in applying site-plan review procedures and supplementary regulations from the Town Zoning Law.
2. Conserve the quality and quantity of natural, historic and scenic resources for the use and enjoyment of all residents.
  - a. Encourage preservation of historical architectural styles using State Environmental Quality Review and site-plan review procedures.
  - b. Preserve the visual quality of the Town as viewed from its highways.
  - c. Protect important wildlife habitats, such as trout streams; protect endangered species, especially the bald eagle and rattlesnake; and protect sensitive areas, particularly wetlands.
  - d. Control the amount of tree and vegetative clearing allowed for development.
  - e. Enforce land use and sign regulations.
  - f. Encourage private use of conservation easements where appropriate to protect valuable landmarks and natural areas.
3. Prevent degradation of surface and groundwater resources.
  - a. Monitor the quality of surface and ground waters (now being done regularly by the Town of Forestburgh Planning Board).
  - b. Control stormwater runoff and erosion and sedimentation from new development.
  - c. Carefully evaluate all proposed discharges of effluent to Town streams as part of development review process.
  - d. Establish and enforce regulations for the design, location and repair of on-site sewage disposal systems.
4. Provide for the properly-regulated and soundly-built development of housing, business, and community facilities within the Town to meet the needs of residents in a balanced manner.

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- a. Regulate location and design standards with respect to individual manufactured homes.
  - b. Control the density of development by zoning district.
  - c. Manage development on very steep slopes (25% or more) and poor soils by limiting the ratio of impervious surface lot size, requiring special design or otherwise mitigating the natural effects of building on such environmentally sensitive lands.
  - d. Create new Residential Settlement (RS) and Planned Unit Development (PUD) Districts.
5. Enforce land-use control ordinances so as to ensure that every dwelling and place of work is supported by an adequate water supply, sewage treatment and disposal system or septic system, solid waste disposal, and telephone access.
6. Promote safe, quiet, efficient, and uncongested roads.
- a. Employ special use and site-plan review criteria to evaluate traffic impacts and provide for protection of scenery and other aesthetic features.
  - b. Discourage roadside strip development.
7. Provide adequate land, resources, and maintenance for recreational holdings so as to preserve the Town's rural character. Encourage the New York State Department of Environmental Conservation to properly manage and maintain its lands, and to periodically develop/update Unit Management Plans that provide for public use of state lands in a manner that meets the needs and interests of the people of Forestburgh.
8. Maintain a balanced and equitable tax base. Discourage further forest exemption status for land in the Town without adequate tax compensation from New York State.
9. Protect buildings and residents from the harm of flood, fire, detrimental land use, and impairment of their natural resources and property values.
- a. Preserve existing wetlands.
  - b. Preserve forest lands through proper forest management.

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- c. Practice good soil stabilization techniques as recommended by the Sullivan County Soil and Water Conservation District.
  - d. Enforce existing Town Zoning Ordinances, Town Subdivision Regulations, and the New York State Uniform Fire Protection Building Construction Code.
10. Implement the recommendations of the *Sullivan 2020 Comprehensive Plan* to the extent applicable to the Town of Forestburgh and consistent with this Plan.
- a. Allow for growth and development through the use of innovative, progressive implementation techniques such as conservation subdivision.
  - b. Provide for sustainable development that is compatible with the natural environment and allows Forestburgh to remain Forestburgh in the context of its overall appearance.
  - c. Promote eco-tourism opportunities within the Town and County.
  - d. Develop and protect the character of those unique destinations that draw visitors to the area.
  - e. Contain the rate of growth at a manageable level to ensure it can be accommodated properly.
  - f. Promote year-round forms of economic development that draw from a broad-based market.
  - g. Reinforce Monticello as a commercial center serving not only the Town of Thompson (where it is located), but also the Town of Forestburgh.

### **B. Recommended Actions Regarding Zoning and Subdivision Regulations**

The Town of Forestburgh made revisions to its subdivision and zoning regulations in conjunction with the enactment of the 1988 Master Plan, and has made some further minor revisions in the intervening years. Subsequent experience with these laws and the results of preparing the new Comprehensive Plan suggest the need for further revisions. The following are recommended changes and improvements to existing Town land use regulations:

- 1. Update the Town Subdivision Law to conform to current requirements of New York State Town Law and the State Environmental Quality Review Act. This includes:
  - a. Clarifying procedures for exemptions.

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- b. Providing for lot improvement subdivisions.
  - c. Establishing more detailed standards for controlling stormwater run-off as well as erosion and sedimentation.
  - d. Incorporating procedures and requirements for multi-family subdivisions.
  - e. Encouraging the use of open space design development concepts in the form of conservation subdivisions.
2. Amend the Town Zoning Law to refine the Zoning Map based on property lines, incorporate new Special Use/SEQR procedures under Town Law, and add new requirements for particular Special Uses. Specifically recommended improvements include:
- a. Creation of a Residential Settlement District to encompass existing single-family residential areas of the Town. The intent of this District should be to provide areas within the Town where residential uses are primary and, will be protected from intrusion by other incompatible activities and uses. Development standards within this district should be comparable to the existing Residential Recreation District excepting that building and lot coverages would be more strictly limited.
  - b. Creation of a more detailed procedure and a specific floating district for planned unit developments. This PUD District should provide landowners with the flexibility to develop functionally integrated communities of a residential or resort nature using innovative techniques and open space design principles which ensure the maximum protection of quality open space for residents while achieving density no less than permitted using conventional subdivision procedures and protecting health and safety.
  - c. Refinement of the purposes of the existing Rural Conservation, Residential Recreation and Business Districts to better distinguish between each on the basis of allowed uses and statements of interest. A revised Zoning Law incorporating the specifically recommended changes in uses and development standards has been prepared concurrently with this update and may be consulted for additional detail.
  - d. Addition and clarification of supplementary regulations regarding landscaping, traffic, signs, parking, home-based businesses, adult-oriented businesses, conservation of natural features, campgrounds, junkyards, residential conversions, forestry uses and communications structures.

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- e. Development of a more practical procedure for handling changes in non-conforming uses as Special Uses, so as to offer more flexibility but retain control.
- f. Development of a more accurate zoning map tied to property lines so that district lines are easier to identify and do not unnecessarily divide properties and create confusion as to allowable uses.
- g. Provide procedures and incentives to encourage the use of conservation subdivision techniques as a means of preserving the large areas of open space that give the Town of Forestburgh its distinctive character. Conservation subdivisions not only protect environmentally sensitive lands (e.g. wetlands, floodplains, steep slopes), but also additional otherwise buildable land, from clearing. This is accomplished by reducing lot sizes in order to achieve full-yield density. Such subdivisions differ from traditional clustering in several ways. They involve larger and more usable open spaces. Conservation subdivisions also provide density bonuses for land-conserving design (sometimes combined with disincentives to discourage land-consuming layouts). Finally, they link the open spaces created with other such recreational areas in the community.
- h. Protect Forestburgh's stream corridors and reduce the potential for increased flooding by limiting clearing for building purposes and other land disturbances within these areas (e.g. a 50 to 100 feet building setback from significant streams).
- i. Protect the character of Forestburgh's historical properties by providing specific incentives for their preservation and productive use (e.g. flexible non-conforming use standards for such properties).



These recommendations, as well as the input received in the process of updating goals and objectives, are reflected in the revised land use regulations prepared concurrently with this Comprehensive Plan.

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***Appendix I  
Historical/Architectural  
Resources Inventory (from 1988 Plan)***

**Commercial**

1. Old Gilman's Store

**Educational**

2. Blackbrook District School
3. Oakland Valley District School
4. Old School House

**Governmental**

5. Hartwood Post office (Stone House)
6. Town Hall

**Industrial**

7. Flagstone Mining Derrick
8. Stokes - Hartwell Mill Foundation
9. Stokes - Hartwell Mill Pond Dam
10. Stokes - Hartwell Race and Stone Support for Flume

**Religious**

11. David Handy's Grave
12. Forest Shrine and Cardinal Hayes Memorial
13. Old Forestburgh Graveyard (pioneers)
14. Old Hartwood Cemetery
15. St. Thomas Aquinas Church
16. St. Thomas Aquinas Cottage
17. Stations of the Cross and Statue of St. Patrick

**Residential/Agricultural**

18. Barn
19. Binschoff Home  
(originally Matthews House, early pioneer)
20. Cleveland House
21. Edmond Crane House Site  
(brother to Stephen Crane)
22. Forestburgh Log Cabin
23. Gate House at Merriewold Park
24. Japanese Barn
25. Philwold Lodge
26. Shofu - Den

**Transportation**

27. Monticello and Port Jervis Railroad Bridge
28. Railroad Bridge (Ontario and Western)
29. Railroad Station, Gilman's Depot

**Other**

30. Hartwell - Benzien Stone Wall

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***Appendix II  
State Water Quality Classifications***

An outline of the New York State Water Quality Classifications that pertain to Forestburgh follows here, and is derived from New York State Water Quality Regulations (Title 6 NYCRR, Parts 800-941), and from Appendix C of the DOW's report, "New York Water Quality 2000," issued in October 2000.

**Fresh Surface Waters**

**Class N fresh surface waters.**

- (a) The best usages of Class N waters are the enjoyment of water in its natural condition and, where compatible, as a source of water for drinking or culinary purposes, bathing, fishing, fish propagation, and recreation.
- (b) There shall be no discharge of sewage, industrial wastes, or other wastes, waste effluents or any sewage effluents not having had filtration resulting from at least 200 feet of lateral travel through unconsolidated earth. A greater distance may be required if inspection shows that, due to peculiar geologic conditions, this distance is inadequate to protect the water from pollution.
- (c) These waters shall contain no deleterious substances, hydrocarbons or substances that would contribute to eutrophication, nor shall they receive surface runoff containing any such substance.

**Class AA-Special (AA-S) fresh surface waters.**

- (a) The best usages of Class AA-S waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish propagation and survival.
- (b) These waters shall contain no floating solids, settleable solids, oil, sludge deposits, toxic wastes, deleterious substances, colored or other wastes or heated liquids attributable to sewage, industrial wastes or other wastes.
- (c) There shall be no discharge or disposal of sewage, industrial wastes or other wastes into these waters.
- (d) These waters shall contain no phosphorus and nitrogen in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.

**Class A-Special (A-S) fresh surface waters.**

- (a) The best usages of Class A-S waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish propagation and survival.
- (b) This classification may be given to those international boundary waters that, if subjected to approved treatment, equal to coagulation, sedimentation, filtration and disinfection with additional treatment, if necessary, to reduce naturally present impurities, meet or will

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meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

**Class AA fresh surface waters.**

- (a) The best usages of Class AA waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish propagation and survival.
- (b) This classification may be given to those waters that, if subjected to approved disinfection treatment, with additional treatment if necessary to remove naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

**Class A fresh surface waters.**

- (a) The best usages of Class A waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish propagation and survival.
- (b) This classification may be given to those waters that, if subjected to approved treatment equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to reduce naturally present impurities, meet or will meet New York State Department of Health drinking water standards

and are or will be considered safe and satisfactory for drinking water purposes.

**Class B fresh surface waters.**

The best usages of Class B waters are primary and secondary contact recreation and fishing. These waters shall be suitable for fish propagation and survival.

**Class C fresh surface waters.**

The best usage of Class C waters is fishing. These waters shall be suitable for fish propagation and survival. The water quality shall be suitable for primary and secondary contact recreation although other factors may limit the use for these purposes.

**Class D fresh surface waters.**

The best usage of Class D waters is fishing. Due to such natural conditions as intermittency of flow, water conditions not conducive to propagation of game fishery, or stream bed conditions, the waters will not support fish propagation. These waters shall be suitable for fish survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

**Ground Waters**

**Class GA fresh ground waters.**

The best usage of Class GA waters is as a source of potable water supply. Class GA waters are fresh ground waters. According to the aforementioned DOW report, agricultural activity is the

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most frequently cited nonpoint source of water quality impact/use impairment and threat to New York State rivers, lakes, and reservoirs. Agricultural sources contribute excess nutrients and silt to waterbodies. The nutrients cause excessive weed and algae growth which can impair recreational uses of the waters. Silt and sediment loads result in excessive turbidity which can impair recreation, aquatic life support and water supply uses. Currently Forestburgh has no agricultural uses.

Hydrologic/habitat modification (and streambank erosion) are also frequently cited sources of water quality impact/impairment in rivers and lakes. This category includes a variety of activities that alter the nature of a stream corridor or wetland area such as changes to the bed and banks of a stream, dredging or filling of wetlands, and removal of riparian vegetation from stream banks. Flow regulation is the most common subcategory. Surface impoundments can cause detrimental effects both upstream and downstream of a dam. Water level fluctuations within the impoundment disturb fish habitat. Changes in downstream flow conditions also affect aquatic life, fish survival and spawning. Changes to land use that may impact or impair Forestburgh streams, rivers, and lakes, require the vigilance of the Town's Planning Board and Building Inspector.

Urban runoff, stormwater runoff and combined sewer overflows (CSOs) are also cited as primary nonpoint sources of water quality impairment. These sources contribute pathogen/bacteria, petroleum products, heavy metals, silt, floatables, and oxygen demanding substances. While some of these sources may be derived from outside of

the Town of Forestburgh, they likewise require vigilance from the Planning Board.

Failing on-site septic systems are also frequently cited as significant sources of water quality impairment and threat. Failing systems contribute nutrients, pathogens and other pollutants which restrict recreational uses. Through its appropriate boards and officers, the Town is obligated to take measures to correct failing on-site septic systems, or to alert appropriate agencies, such as the Board of Health, to take such measures.