

DRAFT

PLANNING BOARD MEETING JULY 28, 2015

Susan Hawvermale, Chair
Karen Ellsweig, Steven Budofsky, David Groskin, Robert Sipos
Sandi Burke, Planning Board Secretary

Planning Board meeting commenced at 7:00 pm.

Pledge of allegiance.

REVIEW OF THE MINUTES FROM THE JUNE 23, 2015 MEETING: Motion made by Susan Hawvermale to accept the minutes and seconded by Karen Ellsweig. All in favor. No discussion.

COMMUNICATIONS: All communications read to the public are on file at the Town Hall and Planning Board Secretary and include the following:

- Letter from Building Inspector, Len Wheat regarding tax parcel 24.-1-3 zoning as RR-1 and outdoor recreational facilities are permitted in such zones under 85-7(C)(9) and as such, the ASTI project with a high rope course, gun range, recreational sporting course and obstacle course in his professional opinion would be considered outdoor recreation.
- Letter from John S. Munsey with CT Male regarding the noise study they performed at the Town of Forestburgh's request for the proposed ASTI project. The "conclusion" of the letter was read into the minutes. The conclusion was that the noise reports do not sufficiently demonstrate that noise impacts from the proposed action are being mitigated to the maximum extent practicable at both the property line and at receptor locations. It further stated that the proposed action has the "potential" to have a significant adverse noise impact.
- An email from James Sherman with ASTI stating that ASTI would like to put on a "demonstration day" so the people of Forestburgh can see, feel and participate in some of the best American outdoor recreation with world class instructors and experience their level of professionalism.
- Letter from David Bavoso, Esq. with Bavoso and Plotsky Attorneys at Law representing Lake Joseph community with regard to ASTI's application for special use permit requesting a public hearing on the project. They have substantial concerns related to the proposed use of the premises subject to the application. They feel the application requires an interpretation by the Zoning Board of Appeals (ZBA) to determine if the proposed use fits the definition of "outdoor recreation". They also want a new environmental study done based upon the change in nature of the proposed use. Furthermore, they state the application is contrary to the Comprehensive Plan of the Town of Forestburgh.

- Letter from Pamela M. Eshbaugh, with the Department of Transportation agreeing that the Town of Forestburgh Planning Board should assume Lead Agency status for the ASTI project (SEQR #15-014). They request to consider the Department of Transportation as an Involved Agency with regard to notifications and reviews of project documents. Any work on state highway right-of-way will require a Highway Work Permit.
- Letter from Jean McAvoy with the NY State Department of Environmental Conservation regarding SEQR review for ASTI project ID #5891 stating the Department has no objection to the town of Forestburgh Planning Board assuming Lead Agency status for the project.
- Letter from Sheldon Pisternack, a resident of Forestburgh regarding ASTI and his concern regarding the noise.
- Letter from Richard Hugel, Jr. regarding ASTI's special use permit regarding preserving the peace and tranquility of Forestburgh and protecting its natural resources and property values.
- Letter from Ed Mack regarding the ASTI project applauding the Planning Board respectfulness, objectivity, and diligence with reference to the law in regards to the applicants, applications and presentations. He also expressed he too would rather see ASTI settle "beyond our borders". He also stated his hopes that behavior of the audience and residents of the community remain respectful and courteous.
- Petition was received from "Forestburgh United" regarding ASTI.
- Letter from Tuczinski, Cavalier & Gilchrist, a law firm representing Merriwold sent in a correspondence regarding ASTI.

REVISION OF PLANNING BOARD APPLICATION: Notations were made by Susan Hawvermale, Steve Budofsky and Karen Ellsweig.

CURRENT APPLICATIONS:

- **Gnome Enterprises - Subdivision** - Richard Robbins told Susan Hawvermale the check was sent to Tim Gottlieb. Tim Gottlieb has not yet received it. As soon as the check is received, Susan Hawvermale will sign off on the maps.
- **David Turick - Pole Barn** - Susan Hawvermale informed David Turick that we need an escrow account in the amount of \$750.00. Susan Hawvermale and Tim Gottlieb informed, as well as Sandi Burk informed David Turick we have nothing on file for the pool. David Turick stated that Len Wheat, Building Inspector came out to his property, inspected it and recommended where to place the barn.
- **ASTI - Outdoor Recreational Facility** - Susan Hawvermale wants to know how much of what shows on the ASTI website is going to be available here in Forestburgh and the answer from James Sherman was "all of it". He also stated that they have no way of knowing how many people per day will be coming to train and use the facilities. James Sherman stated it could be anywhere from 5 to 30 people. The training will be booked in advance. The membership will be kind of like a "pass-type membership" where it could be a day-pass, a weekend pass or a season pass.

- Peter Wikul, Captain of the US Navy retired represented ASTI and answered Karen Ellsweig's question regarding if ASTI is doing advanced warfare, paramilitary type training? He said "No" to advanced warfare. As far as the paramilitary training, this refers to training units and militias and ASTI does not do this. They do, however, train police to use this type of training only. The general public will only receive basic marksmanship and weapons training. Karen Ellsweig also asked about combat training? Peter Wikul said anything can be considered combat training, however, ASTI just wants to train individuals on how to defend themselves.
- Karen Ellsweig asked about what will this do for Forestburgh. James Sherman cited growing up in Killington, Vermont and how it grew the population and economy and provided jobs and of course learning of self-defense benefits.
- Karen brought up a letter read into the communications regarding lead contamination and cleanup. James Sherman stated that he hired Reilly&Associates to oversee all of this and assured her there will be contained flooring under the ground where he is putting in the firing ranges. Peter Wikul also added that there are no more lead smelting companies in this country. Bullets are not made out of lead anymore and are completely encased in copper. Private indoor ranges will not use lead bullets because of contamination. Shotgun bullets are copper plated. There really are no more lead bullets. Javid Afzali also stated that they would follow the EPA's best practices for outdoor shooting ranges pertaining to the foundation.
- Karen Ellsweig asked about gasoline spills from motorcycles, as well as the dust kicked up from the bikes and James Sherman responded by stating that they would regularly water down the tracks.
- Karen Ellsweig also asked about wildlife. James Sherman said the study has already been done and the Planning Board already has the reports. Karen Ellsweig brought up the bald eagle who resides here. Javid Afzali said ASTI will be using the recreational facility only as a "leaf on/leaf off " season. Javid Afzali understands if they decide to do winter sports that they must come back to revise the special use permit.
- Steve Budofsky questioned why the ASTI website is already advertising that they own the land when they have not closed yet. Steve Budofsky asked if all activities are dangerous, then which activities will be safe for younger people. Peter Wikul spoke about safety, as well as James Sherman. Steve Budofsky asked about numerous changes that have deviated from the original application pertaining to programs for children. Christine Schiff is ASTI's Director of Youth Programs. She spoke about her job in the community with children. Children's program will not be until 2017 per Christine Schiff. No afterschool, only summer camp.
- Bob Sipos asked about amount of use the road will receive and who will be responsible for keeping the road up? Ken Klein stated it is a public highway. Dan Hogue states it is a seasonal use road classified as single lane dirt. Once past the entrance to the clubhouse, it becomes a town trail. Bob Sipos asked Dan Hogue about runoff due to overuse of the road. Ken Klein suggested the need to evaluate the adequacy of the road to accommodate the amount of potential traffic.
- Susan Hawvermale asked how often Town Board members and Planning Board members would be allowed on the property to inspect the property. Javid Afzali stated that Len Wheat has that authority being that he is the Code Enforcement Officer and can come onto the property at any time. Ken Klein further stated that any condition the Planning

Board imposes as a condition of the approval of the application, they could do and any violations could be criminally sanctioned.

MOTION MADE: Steve Budofsky made a motion to establish the Planning Board as the lead agency and Karen Ellsweig seconded the motion. This leads us to SEQR. Susan Hawvermale put the declaration off until the next Planning Board meeting.

PUBLIC COMMENT: The following people signed in and passed public comment on ASTIs application before the board and were allowed a 3 minute time limit to speak:

Nancy Fredericks - Opposed to ASTI's special use permit.
George Juergens - Opposed to ASTI's special use permit.
Sue Goodreds - Opposed to ASTI's special use permit.
Al Steppich - Opposed to ASTI's special use permit.
Sheldon Paternack - Opposed to ASTI's special use permit.
Linda Pasternich - Opposed to ASTI's special use permit.
Richard Robbins - Opposed to ASTI's special use permit.
Christopher Colson - Opposed to ASTI's special use permit.
Jordan Goldstein - Opposed to ASTI's special use permit.
Benita Goldstein - Opposed to ASTI's special use permit.
Richard Hugel - Opposed to ASTI's special use permit.
Anthony Kane - Opposed to ASTI's special use permit.
Pete Wikul - For ASTI's special use permit.
Christine Schiff - For ASTI's special use permit.
Sherriff Mike Schiff - For ASTI's special use permit.
Dana Taylor - Opposed to ASTI's special use permit.
Gary Berson - Opposed to ASTI's special use permit.
Richard Pink - Opposed to ASTI's special use permit.

Public comment closed at 9:23 pm.

OTHER BUSINESS: None.

ADJOURNMENT: 9:29 pm.

UPCOMING MEETINGS:

- August 25, 2015
- To be determined.
- October 27, 2015

There being no other business, the meeting was adjourned at 9:29 pm.

Respectfully submitted by

Sandi Burke
Planning Board Secretary