

TOWN OF FORESTBURGH PLANNING BOARD
MINUTES
October 26, 2021

The meeting was called to order at 7:00pm by Chairman Richard Robbins virtually, via Zoom.

Members Present: Katherine Barnhart
Anthony Cardoso
Alan Devlin
Vincent Galligan
Susan Hawvermale
Richard Robbins, Chairman
Robert Sipos

Town Attorney: Jacqueline Ricciani

Recording Secretary: Billie Jean McGinnis

The Forestburgh Planning Board is conducting this meeting virtually pursuant to the recent legislation signed by Governor Hochul amending the open meetings law, permitting Board meetings to be held virtual. Notice has been provided to the public, including Zoom log in information, and has been posted at the Forestburgh Town Hall, Forestburgh Firehouse, Forestburgh General Store, Forestburgh newsletter and published in the Sullivan County Democrat.

Approval of Minutes

Motion made by S. Hawvermale to approve the minutes. Seconded by A. Devlin.

Vote: All in favor.

Public Comment on Agenda Items

There are no comments.

Arbor Knott, LLC

Barbara Garigliano, Esq. presented on behalf of Arbor Knot, LLC. They want to reconfigure three lots into two lots because there are two members; one member has one third interest in the LLC and the other has two thirds interest. They want to divide the larger lot into one third and two thirds parcels and add them to the other existing parcels.

Chairman Robbins stated that the payments received with the application may be incorrect as the application form is not clear. Ms. Garigliano clarified that this is a lot improvement and the application doesn't have fees listed for a lot improvement. These are fees associated with a

minor subdivision. Chairman Robbins will proceed with the application as payment made in good faith, but he will adjust the amounts and return with unused escrow. J. Ricciani suggested that the \$200 fee should be the application fee and the \$400 should be the escrow. Ms. Garigliano agreed but wanted to know what the escrow is for. Chairman Robbins explained that escrow is used to cover the engineer and attorney fees incurred with the review of this application.

S. Hawvermale asked about access to these lots and what kind of road surface the Wilderness Trail has. Ms. Garigliano is unsure of the type of surface, but the roads do access the lots. She's unsure if four-wheelers would be required. K. Barnhart added that Wilderness Trail is pretty much a trail.

Chairman Robbins asked if any of the three lots contain the cemetery that Mr. Wexler created. Ms. Garigliano was involved when the estate deeded these parcels to Arbor Knot and there was no reference to that. That should be a matter of public record. If it is not, then she cannot answer the question. K. Barnhart believes the cemetery is further north of the two lots. To her knowledge, those parcels being transferred are non-buildable lots.

V. Galligan wanted to confirm that this is going from a large non-fronted river lot to two river-fronted lots. Ms. Garigliano stated that it's going from three tax parcels to two tax parcels. They're not creating any more river frontage. V. Galligan said it's hard to tell on the map. J. Ricciani explained the lot lines on the map. The large lot was not a waterfront lot, and the two resulting lots will be on the waterfront.

V. Galligan asked if this was part of a previous subdivision of the Wexler properties and how does that tie into this? This is a similar question to T. Gottlieb. If it was part of a previous subdivision, it needs to be stated. Ms. Garigliano said that nothing in the title report referenced a previous subdivision.

J. Ricciani confirmed that one parcel will be accessed from Wilderness Trail and the other from Denton Falls Road. Ms. Garigliano clarified that the owner accessing the lot from Wilderness Trail is Hatchery LLC and they own adjoining property. J. Ricciani stated that there's a non-conformity and this action will not increase that.

Ms. Garigliano indicated that the new lot line that bifurcates Lot 1.12 may be subject to a change. The surveyor has it marked, but the member wants to walk the property. It won't be a significant change. She will submit new maps if there is a change to show the difference. J. Ricciani confirmed that the maps presented are not the maps to be signed by the Chairman.

J. Ricciani provided the definition and requirements of a lot line improvement.

S. Hawvermale asked about T. Gottlieb's comment about a prior subdivision. Why would it matter if these lots were part of a subdivision? Ms. Garigliano stated that there is a different standard. S. Hawvermale recalls that years ago, Mr. Wexler returned to the Board several times to subdivide his property. T. Gottlieb isn't sure that it was for these lots. S. Hawvermale doesn't recall specifically either but if it's any significance, she'd like to know. Chairman Robbins confirmed that these would be a matter of record in the title report.

Chairman Robbins was going to entertain a motion to approve this application subject to the submission of new maps, if necessary; however, Ms. Garigliano asked if she could adjourn this and hold it until the November meeting, so the Board knows exactly what's being approved. Tonight, she wanted to explain the concept of what was being asked. Chairman Robbins agreed to table this application until the November meeting.

Planning Board Application & Escrow Fees

Our application form doesn't have a separate and delineated fee to consider applications such as Arbor Knot nor does it have an escrow amount set forth for an application such as this one. The Planning Board may not set fees, but the Board may make recommendations to the Town Board to set those fees.

J. Ricciani agreed that the application fees should be set by the Town Board, but the Planning Board may set escrow fees. Chairman Robbins discussed escrow fees for a sketch plan meeting and suggested a fee of \$750. If it's too much, the balance is returned to the applicant. If it's not enough, an approval may be conditioned upon the payment of consultants.

Motion made by S. Hawvermale to amend the application to include the escrow of \$750 for lot line improvements and subdivisions. Seconded by K. Barnhart.

Vote: All in Favor.

J. Ricciani suggested that the Board revamp the application fees. The fees are not clear. The Board discussed changes to the fee schedule. Chairman Robbins proposed application fees of \$250 for minor subdivision, for major and conservation subdivisions \$1,000 for up to 10 lots with an additional \$100 per lot thereafter.

The Board discussed some language to be clarified and errors that should be fixed within the application.

Planning Board Member Comments on Items Not on the Agenda

Chairman Robbins reported that we received an email from David Licht, a resident of Stag Forest Road, regarding Forestburgh Pond. He wanted to draw to our attention our own resolution that no building permits can be issued until the dam has been repaired. Chairman

Robbins has discussed this with the Building Inspector/Code Enforcement Officer, Glen Gabbard. He's aware that permits cannot be issued until the dam is repaired.

S. Hawvermale asked about the application being presented at the November meeting and when she will receive these materials. Chairman Robbins explained that Birchwood Estates submitted an application, but we have not received payment yet. They want to carve out 2.3 acres of their large lot to create a single lot for construction of a home. Chairman Robbins has not yet seen the materials. B. McGinnis added that the application was received yesterday and will be distributed after it's scanned.

Public Comment on Items Discussed During this Meeting

There are no comments.

Adjournment

Motion to adjourn at 8:00pm made by K. Barnhart. Seconded by S. Hawvermale.

Vote: All in favor.