

**TOWN OF FORESTBURGH PLANNING BOARD**  
**MINUTES**  
**November 23, 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 virtually. 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.

Before calling the meeting to order Chairman Robbins acknowledged the passing of Eugene Raponi who not only served on the Town Board but also served on the Planning Board. A moment of silence was held to honor Gene.

**Agenda Correction**

Chairman Robbins indicated an error in tonight's agenda. The correct applicant is Birchwood Estates not Berkshire.

**Approval of Minutes**

S. Hawvermale pointed out a grammatical error which was corrected.

Motion made by S. Hawvermale to approve the minutes as amended. Seconded by V. Galligan.  
Vote: All in favor.

**Public Comment on Agenda Items**

There are no comments.

### **Arbor Knot, LLC**

This matter was tabled from the October meeting at the applicant's request to allow time for the maps to be finalized. 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.

B. Garigliano stated that the maps are correct as submitted and presented at last meeting. Nothing has changed. Chairman Robbins indicated that a question was raised at our last meeting about this being part of a previous subdivision. He asked the applicant to provide further explanation. B. Garigliano explained that the large lot was part of a four lot subdivision in 2009. The two small lots along the river were not part of the same subdivision. She confirmed that this improvement is not affecting two contiguous lots within a subdivision.

A. Cardoso asked if there are restrictions of what can be done with lots that were part of a previous subdivision. J. Ricciani said it is not changing the lot lines of a previous subdivision. She is comfortable proceeding as a lot improvement. Chairman Robbins read the definition of lot improvement and said this application clearly falls within the definition.

J. Ricciani explained the requirements for an approval of this application. There is no requirement for a public hearing.

Motion made by S. Hawvermale to approve this application. Seconded by K. Barnhart.

### **Roll Call Vote**

K. Barnhart	Aye	V. Galligan	Aye	R. Robbins	Aye
A. Cardoso	Aye	S. Hawvermale	Aye		
A. Devlin	Aye	R. Sipos	Aye		

The application is approved. Chairman Robbins advised the applicant that we will notify them of any overage or underage of the escrow. A resolution will be prepared. A map will be delivered to the Town Hall.

### **Birchwood Estates**

Glenn Smith presented on behalf of the applicant. The majority of the homes in Birchwood Estates are in the Town of Thompson. On the Forestburgh side, they own 245 acres of vacant property on both sides of Rod & Gun Club Road. There is a ball field and water well on that property. They would like to build a single family home on the Town of Forestburgh side of the property. This is a flag lot. There was septic system on the property for a kids day camp building that was never used. They want to use this existing septic system for the proposed home. A well will need to be drilled for the water supply. This proposed subdivision will create a

2.3 acre lot for a single family home and a 3.25 acre lot for the ball field and well. The remaining acres will remain vacant.

Chairman Robbins asked about the ownership. This will be owned by a relative of a resident in the Town of Thompson side of Birchwood Estate. G. Smith confirmed that the home will be owned by a private homeowner, not Birchwood Estates but they will have access to the Birchwood Estates amenities. Chairman Robbins read the definition of minor subdivisions, where it appears the parent parcel would support a much larger project, the Planning Board may request the plans for buildout of the larger parcel. He asked if there are thoughts, plans or consideration to make an extension of the current property into the Town of Forestburgh. G. Smith states that the applicant has not made any indication for development of that property. He can ask the applicant for a letter stating their plans for development.

S. Hawvermale asked about the buildable property across the road. G. Smith explained that there are approximately 80 acres on the other side of the road. S. Hawvermale appeared before the Town of Thompson Planning Board in connection with the Birchwood Estates application. She would like a letter from the applicant stating their intent for the development of this property.

R. Sipos asked about the building near the ball field. How close is the building or shed to where the home is proposed to be built? G. Smith isn't aware of this but will look into it. If it's on this property, it will have to be removed.

R. Sipos asked if this is home #31. G. Smith indicated that this is the last house before the town line, but they have their own numbering system. He asked if they are looking to connect the roads. G. Smith isn't sure, but they would need to encroach into their ball field to connect. He will look into this.

R. Sipos asked about the septic and if it's usable. G. Smith said it was intended to be used by a day camp building that was never built so it was never used. When it was built, the design flow was 420 gallons per day, depending on the size of the house, they may need to add another trench to the leech field. Essentially, it's ready to get piped in and used.

R. Sipos asked if this home is far enough away from the buffer for the wetlands. G. Smith said as long as they're a few feet away from the buffer they should be fine.

V. Galligan asked about the drawn in limits of the ball field. G. Smith explained that this is the existing clearing of the ball field. It's the physical edge of the ball field from measuring it. It will be reduced so it stays within the lines of that parcel.

V. Galligan asked about the stormwater from the ball field flowing into a catch basin below the property line. How will this be constructed knowing that the driveway for the proposed lot will cross it? G. Smith said the stormwater basin serves the ball field. They'll need a right-of-way across that driveway. Chairman Robbins confirmed that this flows through the property to the other side. G. Smith said this will be defined by the surveyor on the final map.

V. Galligan stated that the flag lot is just enough to cover the leech field. Knowing that this was for a day camp, he asked if the day camp was going to be in the Town of Forestburgh? Were permits issued for a septic system? How was it documented when it went in? G. Smith agreed that the lot is not much larger than the leech field but there's room for expansion if needed. The day camp was going to be between the volleyball court and the road. He doesn't recall coming before the Planning Board, but plans were done for the building about four years ago, but they changed their mind and never pursued it. K. Barnhart explained that it was brought before the Town Board acting as the Planning Board. G. Smith said they have documentation in their file that the septic system was installed by Woodbourne Lawn & Garden.

V. Galligan asked if there are clear definitions about what work can be done in the areas of the wetlands. G. Smith is not proposing any disturbance of the buffer for the wetlands and if so, they would need a permit through the DEC. You can do work in the buffer with a permit but that is a several months-long process. Working in the wetlands is nearly impossible. They don't want to go through that process.

A. Cardoso asked if the septic requires ZBA approval because it's so close to the setbacks? G. Smith said they can be within 10 feet of the property line.

A. Cardoso would also like to see a letter from the owner because there's a lot of land and potential for more development. He's concerned that they will continue to carve out lots on an ad hoc basis and years later you have a subdivision that never went through the approval process. It creates a segmentation problem. As a member of the Planning Board, it's a concern. G. Smith acknowledged that it's a valid concern and they certainly can't do segmentation. He'll speak to the applicant about getting a letter from them.

Chairman Robbins asked if G. Smith was involved in the application to the Town Board. G. Smith said it was an application for a site plan approval for a kids day camp with a building, septic system and proposed well to serve it. It was never pursued. There was a building for kids to get into during bad weather, but it also had bathrooms. He will provide us with a copy of their submission.

Chairman Robbins indicated that we have not received a report from our engineer. Under SEQR, we have the right and obligation to declare lead agency. J. Ricciani stated this would be

an unlisted action with an uncoordinated review. We can declare intent to be lead agency but don't need to send any notices out.

Motion made by A. Cardoso to declare the Board as lead agency for SEQR. Seconded by S. Hawvermale.

Vote: All in favor.

Chairman Robbins stated that at this time we don't want to schedule a public hearing to allow time to gather materials and address the concern of potential segmentation. We will proceed with this application at our next meeting.

### **Planning Board Application & Fees**

Chairman Robbins made the request to introduce a fee for lot line revisions, lot improvements and subdivisions. The Board did not take action on it at their last meeting.

The correct amount for parkland fees is \$2,000.

The Board discussed minor changes to the application.

Motion made by K. Barnhart to adopt this application once the fee for lot improvements is decided upon by the Town Board. Seconded by S. Hawvermale.

Vote: All in Favor.

### **Meeting Dates for 2022**

Planning Board Meetings will be held on the fourth Tuesday of each month.

B. McGinnis confirmed with J. Ricciani that the submission deadline remains at 15 days prior to the meeting.

### **Planning Board Member Comments on Items Not on the Agenda**

Chairman Robbins received a resignation from Vinny Galligan. He thanked him for his work with the Board. S. Hawvermale asked about the process to replace Vinny. The Town Board has the sole authority to appoint someone to the position. The Town Board hasn't received any inquiries, but they are going to advertise.

A. Cardoso asked for an update on the Another Sky campground and Lost Lake. Chairman Robbins stated that the campground has a prospective partner who has recently dropped a rather large freedom of information act request on the Town to be provided with all of the application materials from when they got their approvals. They've made no specific comment as to what their vision is going forward.

As for Lost Lake, they are bound by the Planned Development District zoning change that was created for their property. They are proceeding. They've made applications for building permits. They've started to do some infrastructure work. They have a plan that they are required to comply with. A. Cardoso added that they had a central sewer system planned. He asked if they are building houses before their sewer system is done? Chairman Robbins stated that's a code enforcement issue. He thinks they're working on lines. There is a good deal of communication between the Building Inspector's Office and the owner. The Town has hired engineers and lawyers to assure that the plan and building restrictions are being complied with.

#### **Public Comment on Items Discussed During this Meeting**

There are no comments.

#### **Adjournment**

Motion to adjourn at 7:51pm made by K. Barnhart. Seconded by S. Hawvermale.

Vote: All in favor.