

Audio file

[GMT20220126-000123 Recording.m4a](#)

Transcript

00:00:00 Chairman Robbins

I'm gonna. I'm going to call the meeting to order. And we'll start, of course, with the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands, one nation under God, indivisible, with liberty and justice for all.

OK, the first order of business I'd like to do is the make a motion to go into executive session regarding a personnel matters more specifically, the subject is Ricciani Law Office's continued representation of the Planning Board, and I'd like to invite Jacy into that meeting So let's I'm going to stop the recording and we will go into executive session.

Do I need a formal motion and a second and OK? Can I have a formal motion a second, and then we'll go into executive session for that purpose?

00:01:09 S. Hawvermale

So moved.

00:01:10 R. Sipos

Second

00:01:12 Chairman Robbins

All in favor of going into executive session indicate by saying aye.

00:1:16 Board Members

Aye

00:01:18 Chairman Robbins

I OK so give me a moment and I'm going to

00:01:37 Chairman Robbins

OK, we are resuming the meeting. The next item on our agenda is the approval of the Minutes. Do I have a motion and a second and we'll have some discussion.

00:01:47 S. Hawvermale

So moved.

00:01:51 K. Barnhart

Second.

00:01:53: Chairman Robbins

OK, any discussion about the minutes as they were drafted by BJ.

00:01:57 S. Hawvermale.

Yes, Richard, I'd like clarification other than the the very few little things Uhm, typos and things and B.J., you do a fabulous job on these minutes let me tell you

00:02:13 B. McGinnis

Thank you.

00:02:14 S. Hawvermale.

but I would like to clarify the sentence that says as Hawvermale was involved in the planning of this development for the Town of Thompson, it's on Page 3, second paragraph, and it refers to Birchwood Estates. Uhm, let me just clarify that I was asked by the town to attend a Town of Thompson Planning Board meeting, when Birchwood Estates was in application and they asked me to ask the Town at Thompson to become an interested party as the Town of Forestburgh. So I was not working with the Town of Thompson I was working with the town.

00:03:10 Chairman Robbins

So in so far as the verbiage of the minutes needs to be amended. I guess we should amend it to read Susan Hawvermale appeared before the town of Thompson Planning Board in connection with the Birchwood Estate application.

00:03:29 S. Hawvermale

That's fine.

00:03:33 Chairman Robbins

Then with the couple of typographical errors that Susan was kind enough to circulate. Do, are there any others or other comments or suggestions or corrections for the Minutes?

00:03:48 S. Hawvermale

OK, all in favor of the minutes as amended indicate by saying aye.

00:03:54 All Board Members

Aye.

00:03:55 Chairman Robbins

Any opposed? OK. Do we have any public comment on agenda items? OK, the next item on our Agenda is Birchwood Estates. So Glenn, the floor is yours.

00:04:22 G. Smith

OK, I think I did it, can you hear me Mr. Chairman?

00:04:24 Chairman Robbins

Yes, I can.

00:04:25 G. Smith

Good. Took a minute but thanks very much.

00:04:28 Chairman Robbins

Nobody else can, but I can. Sorry.

00:04:31 G. Smith

Sorry, I hope you're wrong about that.

00:04:35 G. Smith

So at the last meeting in November I was there for the subdivision on the Birchwood Estates property on the Forestburgh side of the line. Most of their development, as you know, is on the Thompson side. And what the proposal was is for at that time was 2 1/2 acre a flag lot for a single family residence to be built on that lot. I subsequently made that lot somewhat bigger. Now it's about 3 point, well over 3 acres. Based on some comments from the town engineer on the regs requiring that. It's still essentially the the flag lot with the proposed residents and the septic system we're also creating a second small lot. Uh, flow with 3 acres, 3 1/4 acres where their ball field is. Since the November meeting, I did send the Board additional information on the old day camp building that was approved on the property in 19, in 2015, which was abandoned. Information on the septic system, when it was constructed and then a week or two ago I submitted my responses to Tim Gottlieb's comments on septic and other issues. He subsequently got back to me and said, I guess most of my responses were satisfactory. We still need to get a couple items for the Board. One is a deed of the property which I'm waiting for the owner to get to me. The second is we have the surveyor working on doing a subdivision map, which is what will be filed with the county eventually subject to approval. You can't file my plan. They want a surveyor's plat for that. So that's being worked on also.

So I think we've made some progress. I, I, what we looking for at this point, I guess Mr. Chairman is get a public hearing scheduled and authorize this to go out to the county for 239 review. And if you got any questions for me, I'm all ears.

00:06:20 Chairman Robbins

OK, I'm well. I'm going to start with Tim. Tim, are there any other issues that you, from your perspective as our engineer, need to be addressed at this point?

00:06:41 S. Hawvermale

Richard, do you have him on mute?

00:06:42 T. Gottlieb

OK. Yeah no. Glenn addressed all the comments. Like I said, he sent, like he said he sent me some revised plans Monday. I looked at them and everything seems OK.

00:07:00 Chairman Robbins

Great. Uhm, they had, I had a just a couple of questions. Glenn, the uhm so this this property in Forestburgh started before the Town Board in an application for a special use permit on a recreational use for the softball field that's, that was like 2013 or so.

00:07:23 G. Smith

Right, that's correct. That's when the Town Board was reviewing them, yes.

00:07:26 Chairman Robbins

Right, and that was then expanded to, with another application, to allow for a boys camp building with the associated septic and I think there was also discussion and approval given for some tree work and such, planting of trees.

00:07:46 G. Smith

Screening trees along the highway because the neighbor across the road has some concerns with lighting, so we propose a double row of trees, yes.

00:07:53 Chairman Robbins

OK, and by this application you've indicated that you are, the applicant, your client has determined not to build the building that for which it received the special use permit.

00:08:08 G. Smith

Absolutely, it's it's

00:08:09 Chairman Robbins

OK.

00:08:10 G. Smith

It's not a no project, no longer any project, no.

00:08:13 Chairman Robbins

OK so I guess then that special use permit that was granted ultimately will need ultimately as part of this process will need to be revoked or surrendered, right?

00:08:24 G. Smith

It's a good question. I would assume that would be the way to go. Yeah, 'cause we just don't need it anymore.

00:08:28 Chairman Robbins

Right, OK? And I I just have another question. The existing well #3 uhm on that lot, 31, 3.1B Uhm, that was dug in 2019. What is the purpose of that well? I mean, I see the line goes to looks like the maintenance shed or structure next to the maintenance shed.

00:08:59 G. Smith

Right, the structure next to the maintenance shed is like all the waterworks building. There's two large storage tanks in there that well. Number 3 was built only to supplement wells, number one and two, which were on the Thompson side of the property, they were drilled shoot 10, 15 years ago. They were both, I think 20 or 25 gallon minutel wells, but one of them has diminished over the years down to around 8 or 10 gallons of minutes. So we got health department approval to drill that third well. They approved location and it was done.

00:09:26 Chairman Robbins

OK.

00:09:27 G. Smith

And and tied into the same building.

00:09:29 Chairman Robbins

That wasn't in any way for the building that that hadn't yet been built, but for which they had permission to build it?

00:09:35 Speaker 6

Not at all. It was only to supplement the wells for Birchwood Estates, a housing development.

00:09:39 Chairman Robbins

Got it OK. Are there any other questions from Board members before we proceed?

00:09:45 S. Hawvermale

Yeah I have. I have a couple of questions, I just want to clarify Glenn, the property across the street that's next to uhm Raisa Vaseman's property, you said, I think at one point that that is 80 acres.

00:10:03 G. Smith

Yeah, at your last meeting I think you asked me that the total property and helped the total property and Birchwood property on the Forestburgh side is around 245 acres.

00:10:05 S. Hawvermale

I did.

00:10:11 G. Smith

So I just gave it roughly estimate of 80 acres. I can give you an exact number if you want it, but it's all the same. The same parcel on both sides of the road.

00:10:18 S. Hawvermale

All right, 'cause just on the other side of Rod & Gun Club you had told me it was about 80 acres. I'm just trying, you know, just for clarification.

00:10:25 G. Smith

Right. That, that's that's probably pretty close. There's probably 80 acres over there and around, around 140 or so on the other side, on the on the West side.

00:10:38 S. Hawvermale

The other one, the other question I had was I was looking at the property and the driveway. Uhm, can you tell me why the parking area is as large or larger than the size of the house?

00:10:56 G. Smioth

Yeah, but you tell me the parking where we're proposing a house?

00:11:00 S. Hawvermale

I'm talking about the parking area next to the house that is huge.

00:11:05 G. Smith

Well, it's it's. It's really just for two or three cars, uh, yeah, yeah, it's maybe it's about 25 feet across. It's not really. I mean 10, two, two to three car spaces, that's all.

00:11:18 S. Hawvermale

Well it's equal or larger than the size of the house and I was just wondering what you know the reason that was.

00:11:25 G. Smith

Well, it's it's kind of Y shaped 'cause the intent is to pull in those spaces on the left side and and when you lead to back out into the, it's not all parking. It's really parking on one side and then the other piece next to it is to back into when you exit the driveway. It's only for two, it's only for two or three cars.

00:11:42 S. Hawvermale

It it just seems unusually large, but

00:11:48 G. Smith

well, looking at it adjacent to the house it looks pretty big but the I mean the house is not huge either so that might be what's just making it look distorted.

00:11:55 S. Hawvermale

How many square feet is the house gonna be do you have any idea?

00:11:58 G. Smith

Oh, those houses are all, they're 28 by, they're around 16, so 8, 6, 16 about 1700 square feet.

00:12:10 S. Hawvermale

How do you get 5 bedrooms into a 1700 square foot house?

00:12:14 G. Smith

Well, it's it's, it's either gonna be a two story house or one story over a basement, so that's how they might get them in that way.

00:12:22 S. Hawvermale

And I notice that there are vacant lots left in the property in the Town of Thompson, so.

00:12:28 G. Smith

There's there's there's several houses that have not been built yet. Correct.

00:12:33 S. Hawvermale

Uh, so the these people didn't want to live in that area?

00:12:38 G. Smith

I don't know the full history of, like this, but they wanted to be in Forestburgh. What the deal was I don't know, but they want to be in Forestburgh and the Birchwood folks wanted to see if that they get in Forestburgh and there that's why they put me, put in this time to get a lot over there.

00:12:51 S. Hawvermale

Well, I, I know everybody wants to be in Forestburgh.

00:12:53 Chairman Robbins

But I can well understand it.

00:12:56 S. Hawvermale

It it just seemed unusual to me that because there is still vacant lots and the other property that somebody would choose to live so far away with a huge parking area for a five bedroom house, that's only 1700 square feet.

00:13:15 G. Smith

Well, not to mention what's going to cost them to develop the either. A lot of those, the lot of the unbuilt houses in Birchwood have been purchased, so Seitzman purchased years ago just haven't put houses on him yet so that may be part of the problem.

00:13:25 S. Hawvermale

That, that could be. I'm still not sure how you get 5 bedrooms sent to 1700 square feet, but

00:13:33 G. Smith

Well, that house that house is the same size as all the other houses in Birchwood, and most of those houses are five and six bedroom homes. Thompson has, Thompson has approved that over the years. And we've, and it's been reflected in our sewer obviously every time, every bedroom is more sewage and, and the more bedrooms in their houses, the more the town is charging for sewer service.

00:13:57 Chairman Robbins

Anthony, did you have a question? Do you have a question?

00:14:08 S.Hawvermale

Can I ask the sewer service for the houses that are in Thompson?

00:14:16 G. Smith

What what about them?

00:14:19 S. Hawvermale

What kind of sewer service do they

00:14:21 G. Smith

Well, they're, they're, they're in the Town at Thompson, Sackett Lake Sewer District. They have a large pump station and it pumps actually the sewer plant on the other side of their property. And that's what it's all pumped to.

00:14:30 S. Hawvermale

Thanks

00:14:31 G. Smith

You're welcome.

00:14:34 Chairman Robbins

Anthony, do you have a question?

00:14:37 A. Cardoso

Yeah, we had asked at the last meeting for some kind of representation from the Estates about the future development plans for that due to the concern about segmentation and the amount of acreage left. You know, the Board was concerned about kind of a a new housing development slowly being created lot by lot, so we wanted something from the owner. I didn't see that in the materials.

00:15:06 Chairman Robbins

Anthony, that was provided by Glenn in his letter of January 11th I believe.

00:15:16 S. Hawvermale

yes

00:15:16 A. Cardoso

I just looked through it. I don't see that my.

00:15:20 S. Hawvermale

No, it's there.

00:15:21 G. Smith

The letter is date, is December 2nd, 2021 from the Yeshiva.

00:15:27 Chairman Robbins

Right then it was attached to your letter of

00:15:30 G. Smith

Yep, yeah.

00:15:32 Chairman Robbins

Was it January 11th or was it November 29th

00:15:35 T. Gottlieb

Jacy's waving.

00:15:38 Chairman Robbins

Oh Jacy, let me unmute you.

00:15:46 T. Gottlieb

She hurt her arms.

00:15:47 S. Hawvermale

It's attached the January 11th letter from Glenn.

00:15:55 Chairman Robbins

Jacy?

00:15:57 J. Ricciani

I, I could not unmute myself without Richard's assistance, thank you.

00:15:59 Chairman Robbins

OK, maybe I didn't realize that that was the way. This was sorry. OK, but in any event. Anthony, do you? I'll, I'll get, I'll get, we'll get you another copy of that letter, Anthony, but there is a letter from the owner or the managing member, I believe, of the LLC that owns it, indicating that, I'll read it

In response to your request for clarification regarding the proposed 3 lot subdivision on property at Birchwood Estates. Please be aware that at This time we have absolutely no plans, no plan for future development. The current application creating a residential lot is an ad hoc submission for a specific and immediate need that we have which is not part of a larger or future development plan. When and if we develop plans for further development, we will absolutely submit the required application and plans for the town's review and decision. We trust this addresses your questions and concerns. Thank you for your consideration. Sincerely yours.

Are there any other questions for the applicant?

00:17:18 R. Sipos

Hey, I just want to clarify back on January 27, 2015 and maybe I'm not reading it right, but it states the land between Rod & Gun Club Rd and the town line is very restrictive. It's taken up by a lot of wetlands and wetland buffers and the pond and to add to the 75 set back from the road, no other buildings can be built.

00:17:51 J. Ricciani

So where are you? I'm sorry, I'm sorry.

00:17:50 R. Sipos

About that that how that's written.

00:17:55 K. Barnhart

Is that in the Minutes?

00:17:56 J. Ricciani

What page?

00:17:57 R. Sipos

The public hearing minutes from January 27, 2015. We had it in our packet.

00:18:05 S. Hawvermale

Yeah

00:18:05 J. Ricciani

what what, what page are you looking at?

00:18:08 R. Sipos

Page 1

00:18:10 J. Ricciani

Oh

00:18:10 R. Sipos

On the bottom, where it says the new proposed building would be 45 by 56 feet.

00:18:18 Chairman Robbins

That was the, that was the the bunkhouse, the camp house. Yes, the boys camp building.

00:18:25 R.Sipos

Boys camp, yes.

00:18:26 G. Smith

Well, what, what, what that was at that point that I think the board had asked for a possible almost like a master plan of what could happen on the property. I had submitted a plan showing a miniature golf course showing gazebo showing other buildings farther down towards the Birchwood Pond dam, we never, we never applied for them officially. They just kind of show the world what might happen and they never came about but the statement I made on that was as you go down Rod & Club Rd further in Forestburgh, the buildable area between Rod & Gun Club and Birchwood Pond is almost nothing because of the wetlands in the wetlands buffer. That's what we're referring to down there up here where we are now, it's obvious you can see the buffer line on this plan in the wetlands, so we got, you know, we're fitting it in and not touching the buffer.

00:19:05 R. Sipos

Right

00:19:06 G. Smith

So no, no special DEC permits needed for that at all.

00:19:09 R. Sipos

OK, so the land you're speaking of in that is down going further down on the Forestburgh side.

00:19:14 G. Smith

I'm looking at the overall map of the whole 245 acres you go down towards where the dam is on Birchwood Pond, which is quite close to the road down there. By the time you come off the pond with your 100 foot buffer and everything, there's really no buildable area at all down there.

00:19:27 R. Sipos

OK.

00:19:28 G. Smith

Without encroach without encroaching in the wetlands buffer.

00:19:30 Chairman Robbins

OK, thank you Glenn.

00:19:32 G. Smith

You're welcome.

00:19:35 Chairman Robbins

Any other Board members have questions of the applicant? OK. Then I think it's appropriate now to determine whether uhm the application has is complete for purposes of proceeding. From from my perspective, it represents a complete application. Jacy, would you agree?

00:20:04 J. Ricciani

Yes, and you had already typed this action under SEQRA at a prior meeting.

00:20:10 Chairman Robbins

Correct, November. So then I guess the next step would be to set public hearing. Uhm, our next meeting is February 22nd. I'm sorry. February, yeah February 22nd at 7:00 PM. That seems an appropriate time for public hearing.

00:20:38 S. Hawvermale

Yes.

00:20:40 G. Smith

I would appreciate it.

00:20:41 Chairman Robbins

Uhm, and I guess we also need to do the 239 Referral as well.

00:20:50 S. Hawvermale

Yes.

00:20:52 J. Ricciani

Tim can, can you take care of that?

00:20:54 T. Gottlieb

Yeah, I'll take care of that.

00:21:00 Chairman Robbins

Great. Then I think, for is there anything else you wanted to bring to our attention, Glenn, in regards to this application?

00:21:09 G. Smith

No Mr. Chairman I think I've hopefully I've covered it all.

00:21:13 Chairman Robbins

OK.

00:21:14 J. Ricciani

You need a motion for the public hearing.

00:21:17 Chairman Robbins

OK, do I have a motion for the public hearing?

00:21:23 K. Barnhart

I move we have a public hearing on February 22nd.

00:21:28 Chairman Robbins

At 7:00 PM?

00:21:29 K. Barnhart

At 7:00 PM.

00:21:31 Chairman Robbins

Thanks, is there a second to that motion?

00:21:35 A. Devlin

I'll second.

00:21:37 Chairman Robbins

Any further discussion? All those in favor of scheduling the hearing for 7:00 PM on February 22nd indicate by saying aye.

00:21:47 All Board Members

Aye.

00:21:48 Chairman Robbins

Any opposed? OK.

00:21:54 J. Ricciani

'cause I just I just want to clarify. I know Tim is coming up. So we're going to characterize this as a three lot subdivision?

00:22:07 T. Gottlieb

Yes

00:22:09 J. Ricciani

Ok. Thank you.

00:22:10 G. Smith

And will, I will I get the mailing the list of joiners from the Planning Board secretary, or should I put them together? How's the board prefer that be done?

00:22:23 Chairman Robbins

B.J. do you, can you Get that and provide it to Glenn?

00:22:28 B. McGinnis

Yeah, yeah.

00:22:29 Chairman Robbins

Thank you.

00:22:30 G. Smith

Good thanks.

00:22:33 T. Gottlieb

Glenn, can you send me the plans in PDF form?

00:22:36 G. Smith

Yep, I'll do it tomorrow

00:22:37 T. Gottlieb

yeah

00:22:39 G. Smith

Good thanks.

00:22:42 Chairman Robbins

Anything else in regards to this application?

00:22:46 J. Ricciani

The the only.

00:22:48 R. Sipos

One quick question not to be picky, but on the letter that was sent to you.

It says Mr. Chairman from the development who actually signed the bottom of it?

00:23:03 G. Smith

It's on, let me find my letter here.

00:23:07 Chairman Robbins

Yeah, I think it's the name was revealed in the January letter.

00:23:09 G. Smith

The the top left in Doniel Lander. That's at the top left, it the in the heading. Doniel Lander, he's the I guess he's the son of the founder of the organization. That's who signed the letter.

00:23:20 R. Sipos

That's his signature?

00:23:22 G. Smith

yeah.

00:23:23 R. Sipos

OK, thank you.

00:23:24 G. Smith

You're right, he should have print his name underneath. I thought the same thing. That's where I got it from.

00:23:30 R. Sipos

OK, thank you.

00:23:32 G. Smith

OK, thank you all.

00:23:34 J. Ricciani

OK, just one thing.

00:23:36 Chairman Robbins

Yes, Jackie.

00:23:37

B.J. are you going to be preparing the public hearing notice?

00:23:40 B. McGinnis

Yes I will.

00:23:41 J. Ricciani

Can you just run it past me, please?

00:23:43 B. McGinnis

Yes, absolutely.

00:23:44 J. Ricciani

Thank you almost because I, I presume that's also going to be by zoom.

00:23:50 Chairman Robbins

Yes.

00:23:50 J. Ricciani

OK.

00:23:54 Chairman Robbins

OK

thank you Mr.

00:23:55 G. Smith

Thank you Mr Chairman. OK, Guess I'm done then.

00:23:56 Chairman Robbins

OK.

00:23:57 G. Smith

Goodnight, thanks all, appreciate it thanks thanks.

00:23:58 T. Gottlieb

Goodnight

00:24:01 Chairman Robbins

The next item on our agenda is Planning Board member comments on items not on the agenda. Do any planning board members have comments on items not on the agenda? OK then. Or is there any public comment on items discussed during the meeting?

I've asked all members of the public to unmute, if they have any public comment to address to us. And none have chosen to unmute, so I guess I'll look for a motion to adjourn, so we have a motion to adjourn.

00:24:53 K. Barnhart

So moved.

00:24:54 S. Hawvermale

Second

00:24:56 Chairman Robbins

Any discussion on that weighty topic? All those in favor of adjourning indicate by saying aye.

00:25:02 Board Members

Aye.

00:25:04 Chairman Robbins

Aye, any opposed? What no, no, OK, the motion is passed. We stand adjourned. Thank you very much everybody. See you next time.