

**TOWN OF FORESTBURGH PLANNING BOARD**  
**MINUTES**  
**October 27, 2020**

The meeting was called to order at 7:00pm by Chairman Richard Robbins at the Forestburgh Firehouse.

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 at the Forestburgh Firehouse following all CDC guidelines put in place due to the COVID-19 pandemic.

**Public Comment on Agenda Items for The Antlers Hunting and Fishing Club**

There is no public comment.

**Approval of Minutes**

Minutes for the Forestburgh Pond SEQRA Public Hearing were reviewed. These were tabled from last meeting.

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

Vote: All in favor.

Minutes for the Public Hearing for site plan approval for Forestburgh Pond were reviewed.

Motion made by K. Barnhart to approve the minutes. Seconded by V. Galligan.

Vote: All in favor.

Minutes from the September 29<sup>th</sup> Planning Board meeting were reviewed. S. Hawvermale identified typographical errors which were provided to the recording secretary. They will not change the substance of the document.

Motion made by S. Hawvermale to approve the minutes as amended. Seconded by R. Sipos.

Vote: All in favor.

S. Hawvermale noted that the application needs to be updated. Chairman Robbins acknowledged this. The January meeting will be held on January 26, 2021 and the deadline for submission is January 12, 2021.

V. Galligan heard that Lost Lake has been sold. Does the Board have anything that needs to be followed such as timelines or code enforcement? Chairman Robbins stated that the Code Enforcement office has been on the job. They have every intention of building according to the specific terms of the plan as approved by the Town Board, with one exception. They will upgrade some of the infrastructure to standards higher than what are in the approvals. They may have to come back to use to get approvals for those. The site plan approval given did not impose time deadlines. In his opinion, they should have, but they did not. A. Cardoso asked what their plan is? Are they are selling lots or selling completed houses? Chairman Robbins stated that they are selling houses.

**Public Comment on Agenda Items & Items Discussed During this Meeting**

There is no public comment.

**Adjournment**

Motion to adjourn at 7:50pm made by K. Barnhart. Seconded by A. Cardoso.

Vote: All in favor.

**TOWN OF FORESTBURGH PLANNING BOARD**  
**MINUTES**  
**December 15, 2020**

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 terms of Governor Cuomo’s 2020 executive orders 202.1 and 202.15. 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**

Minutes from the October meeting were reviewed. S. Hawvermale and V. Galligan proposed changes.

S. Hawvermale proposed a change to clarify a comment made by Jennifer Langusch. The language should be amended to read: “She feels that it makes the most sense for the applicant to be responsible for the portion of the road that they own.”

V. Galligan proposed a change to identify that the application for Antlers Hunting and Fishing has been granted. He also wanted to add language for Forestburgh Pond. “Mr. Lord advised the current residents and the Board that he will work with the existing owners regarding road maintenance.”

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

## **Public Comment on Agenda Items**

There are no comments.

### **Lorino – VanOrden Lot Improvement**

Allan Frishman of Regional Planning and Permits presented on behalf of the applicant, Joe Lorino. Mr. Lorino purchased a section of property across the street from his house. He wishes to purchase a piece of property from Ms. VanOrden to improve the piece he currently owns.

Ms. VanOrden wants to sell Mr. Lorino two pieces of property to enlarge his current property. They are maintaining a 60 foot width for the driveway. He plans to keep the property vacant. This will not become a non-conforming lot. He just wants to enlarge his parcel.

Chairman Robbins asked if there are accessory buildings on the property. Mr. Frishman and Mr. Lorino explained that there is a truck body and shelter for cows. These will remain on Ms. VanOrden's property. J. Ricciani suggested that the applicant should submit a revised site plan to show the location of these accessory buildings. The new property line may be too close to the accessory buildings. It is difficult to evaluate the application without knowing where they are on a map. The applicant needs to submit more detail.

Mr. Frishman wanted feedback from the board and conceptual or sketch approval before they get a surveyor. They want the Board to agree that this is a lot line adjustment and will not need a variance before they hire a surveyor. If there's a concern with the property line and accessory structures, the applicant is okay with changing the property line and/or removing the accessory structures. Mr. Frishman acknowledged that they need to get a surveyor to make a determination.

A. Cardoso reiterated that the map isn't clear enough because the structures are not shown on the map. It's unclear as to what the Board is looking at. We're imagining where structures are, but they're not shown on the map.

Mr. Frishman stated that they are asking for a sketch plan or conceptual review and approval before they hire a surveyor. Chairman Robbins stated that if there are no aspects in which they are in non-conformance with the code, a lot line adjustment can be accomplished. The Board does not see any issues other than possible setbacks. Mr. Lorino stated that there is no issue with the setbacks. They can meet all the setbacks.

J. Ricciani added that the surveyor should also note the amount of acreage before and after the lot improvement as well as the correct owner names. They should also include a signature block for the chairman.

Mr. Frishman again stated that this is just for conceptual approval. Chairman Robbins explained that there is no concept for a conceptual approval of a lot line change. The Board will not provide any kind of approval until there is a completed application with full current survey. Mr. Frishman confirmed with the Board that he'll hire a surveyor and submit a map showing structures and accessory buildings.

S. Hawvermale asked that the map also include the names of surrounding property owners including those across the road.

### **Setting Dates for 2021 Planning Board Meetings**

Chairman Robbins reviewed the meeting dates for the 2021 meetings. There are no issues for meeting on the fourth Tuesday of each month.

The clerk will update the Planning Board application to include the 2021 meeting dates. The application and meeting dates will also be provided to the Board members.

### **Recommendation to Town Board for Reappointment/Filling of expiring term of Ms. Hawvermale's Planning Board Seat**

Chairman Robbins explained that the Town Board appoints the Planning Board members to their positions. The Planning Board members may either request reappointment or make a decision not to. This year, Susan Hawvermale's seat is becoming vacant. S. Hawvermale has indicated that she would like to be reappointed.

Motion made by K. Barnhart to convey to the Town Board that the Planning Board recommends reappointing Susan Hawvermale. Seconded by R. Sipos.

Vote: All in Favor

### **Lost Lake Update**

Chairman Robbins provided an update on the Lost Lake project. The Town Board has decided to hire the firm B&L as consultants and the law firm Harris Beach to help with any Lost Lake matters.

At the request of the new owner, the DEC has transferred the permits from Double Diamond to the new owners. They are proceeding with work under those permits. They have said there are various infrastructure improvements and upgrades they intend to make such as upgrading the sewer system, possibly re-designing the sewer system to go from a package plant to an activated sewage treatment plant, changing the specification on the pipes that were previously approved to be more robust, doing some changes to the water system, potentially requesting approval for an underground propane distribution system. They've spoken of these things. They don't want to make any changes to the approvals that were given. Nothing has been presented so there is no action to take.

A. Cardoso confirmed that they will have to install the utilities underground. Chairman Robbins explained that their request to overturn that decision by the Public Service Commission was denied and all utilities will need to be underground.

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

R. Sipos remembered that there was discussion about the dam on Forestburgh Pond at the last meeting. He questioned why this discussion was not noted in the minutes. The clerk explained that there were comments made but there was nothing substantial. This discussion may be added, with Board approval. Many of the comments made by Dan Hogue were about when work could and couldn't be performed on the dam based on DEC regulations. The clerk mentioned that the minutes included the conditions that were approved. Many conditions were left to be discussed at a later date as a condition for final approval.

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

There are no comments.

**Adjournment**

Motion to adjourn at 7:40pm made by K. Barnhart. Seconded by R. Sipos.

Vote: All in favor.

I I, I would propose that we consider a motion just so that we can so that I can recommend I can convey to the town board that the Planning Board recommends that Susan be reappointed.

00:32:25 Speaker 8

They don't fall.

00:32:41 Chairman Robbins

I'm going to have a motion to that effect and then I will.

00:32:44 Chairman Robbins

Convey the results of that motion.

00:32:46 Speaker 4

I'll move it.

00:32:47 Speaker 3

I'll move it.

00:32:49 Chairman Robbins

Before the discussion.

00:32:51 Chairman Robbins

All in favor aye.

00:32:54 Chairman Robbins

Any opposed?

00:32:56 Chairman Robbins

OK thanks.

00:32:57 Speaker 8

Thank you.

00:33:00 Chairman Robbins

The next item on our agenda is a Lost Lake update.

00:33:02 Chairman Robbins

This isn't a matter for any action by us, but I just wanted to bring the planning board up to date as to what's transpired in the interim between our last meeting when we talked about this.

00:33:13 Chairman Robbins

And so.

00:33:13 Chairman Robbins

Today the town board is determined to hire as our consultants both the town board as well as.

00:33:22 Chairman Robbins

When we have occasion.

00:33:23 Chairman Robbins

To require consultants for Las Lake.

00:33:27 Chairman Robbins

The firm Barton and liquidity or logiudice we like to call them BNL so we don't have to mispronounce their last name.

00:33:36 Chairman Robbins

Uhm, their principal who is UM?

00:33:41 Chairman Robbins

Going to be the point person for them for us is Chuck Voss, who was the point person for CT mail when the original processing of the log blank application was made.

00:33:56 Chairman Robbins

He's met with the town, and the town has made a determination based on a proposal he submitted to.

00:34:01 Chairman Robbins

The town board.

00:34:03 Chairman Robbins

To hire them.

00:34:06 Chairman Robbins

The town is also consulted with a number of law firms to potentially become involved in this, and from the planning board perspective, should the owners of Las Lake present US with.

00:34:20 Chairman Robbins

A specific application that we think requires additional legal help from the firm.

00:34:26 Chairman Robbins

Harris beach.

00:34:29 Chairman Robbins

Has been determined by the town board to be the firm that will use.

00:34:34 Chairman Robbins

They are also used.

00:34:35 Chairman Robbins

The town board is also using Harris Beach on matters related to Lost Lake as well.

00:34:43 Chairman Robbins

I can also report to the planning board that.

00:34:47 Chairman Robbins

The DC at the request of the new owner has transferred.

00:34:52 Chairman Robbins

The permits that were previously issued to double Diamond and the resort at Lost Lake to.

00:34:58 Chairman Robbins

The new owners.

00:34:59 Chairman Robbins

They are proceeding with work under those permits.

00:35:06 Chairman Robbins

I can also report to the board that although they have said.

00:35:10 Chairman Robbins

That there are various infrastructure improvements and changes that they are intent upon making upgrading the floor system.

00:35:19 Chairman Robbins

Perhaps redesigning the sewer system to go from the package plant to a activated sewage treatment plant?

00:35:28 Chairman Robbins

Changing the specifications on some of the pipe that were previously approved to be more robust.

00:35:34 Chairman Robbins

Uhm, doing some changes in the water system.

00:35:38 Chairman Robbins

Actually now potentially requesting permission to have an underground propane distribution system from a central enormous tank.

00:35:49 Chairman Robbins

These are things that they've discussed they've not yet made any application or sought permits, but at the same time that they're they've spoken of these things.

00:35:58 Chairman Robbins

They've also said to the DC and to us that they don't want to make any changes at all in the approvals that were given.

00:36:05 Chairman Robbins

So what exactly they're doing is not clear to me, but they've presented nothing to us, so we have.

00:36:13 Chairman Robbins

No action to take.

00:36:15 Chairman Robbins

But I did want to bring up these issues just so that you're aware of them.

00:36:19 Chairman Robbins

As members of the Planning board.

00:36:21 Chairman Robbins

And entertain any questions about what communications there might have been.

00:36:25 Chairman Robbins

If you have any.

00:36:29 Speaker 7

I guess they're stuck with.

00:36:30 Speaker 7

They're going to be stuck with the underground utilities, right?

00:36:33 Speaker 7

I know that double diamond fought that for a number of years, but kept losing that.

00:36:37 Speaker 7

That's over.

00:36:37 Speaker 7

They're going to have to do the underground, right?

00:36:43 Chairman Robbins

Yeah they are article 78 to overturn the.