

## **TOWN OF FORESTBURGH PLANNING BOARD**

### **Minutes**

**March 22, 2022**

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

Members Present: Katherine Barnhart  
Anthony Cardoso  
Alan Devlin  
Susan Hawvermale  
Arthur Leaney-Levenson  
Richard Robbins, Chairman  
Robert Sipos

Town Attorney: Jacqueline Ricciani

Recording Secretary: Billie Jean McGinnis

Chairman Robbins opened the meeting by welcoming Arthur Leaney-Levenson to the Board. He has been appointed by the Town Board to take the position previously held by Vincent Galligan.

#### **Approval of Minutes**

The minutes for the February 22<sup>nd</sup> public hearing for Birchwood Estate were reviewed.

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

Vote: All in favor.

The minutes from the February meeting were reviewed. S. Hawvermale pointed out grammatical errors to be corrected.

Motion made by A. Devlin to approve the minutes as amended. Seconded by K. Barnhart.

Vote: All in favor.

As a matter of procedure, Arthur Leaney-Levenson did not vote because he was not a member of the Board at the time of the meeting.

#### **Public Comment on Agenda Items**

Arthur Leaney-Levenson, a Board member who recused himself from discussion relating to Birchwood Estates, offered comment as a member of the public. He knows that the special use permit for the day camp has been rescinded, but the septic remains in place. He asked if the septic remains in place, if the tree line could still stand as it was determined in the beginning. He provided the Board members with an email dated July 29, 2015 from Glenn Smith referring to trees that were removed to put in the septic,

which were directly across from Mr. Leaney-Levenson's house. It was to have been done by their landscaper but it was never done.

### **Birchwood Estates**

Glenn Smith, engineer, presented on behalf of Birchwood Estates. He provided an update on the project. He submitted updated plans and survey plat to the Board. Changes were made to add a note that no lights are to be installed along the driveway and a note referring to the easement for the 20' culvert for drainage water from the ball field to the storm water basin.

Pine trees were supposed to be planted in the temporary access drive. If they were not planted, he'll make sure they are planted. If the boys camp had been built, they would have had to remove trees for it and plant a double row of trees to screen for it. Since the boys camp was not built, the trees were not planted.

Chairman Robbins indicated that park land fees are \$2,000 per lot as determined by the Town Board.

J. Ricciani and S. Hawvermale asked for clarification on the planting of trees. G. Smith explained that when the septic system was built, trees were cleared to create a temporary access driveway. When the septic was completed, the trees were supposed to be replaced. If they weren't, he'll be sure to plant the 20-30 feet of trees where the temporary access road was.

R. Sipos asked why the colored fence stopped. G. Smith explained that the fencing was for aesthetics at the main entrance. The applicant doesn't have any intention of continuing that fence.

Chairman Robbins stated that a formal surrender has been received for the special use permit for the day camp.

J. Ricciani stated that the applicant submitted a memorandum addressing the screening and that it was for the boys day camp that was never built. This is also part of this submission.

T. Gottlieb confirmed that all his comments have been addressed and satisfied.

The Board discussed and considered several conditions. S. Hawvermale has concerns about the double row of trees. Because these are partner lots and it's an active ball field, she'd like to have the trees put in. K. Barnhart was a member of the Town Board at the time the special use permit was approved. It's her recollection that the trees were part of the special use permit requirements. Chairman Robbins stated that prior to the application for the boys day camp, the applicant came before the Board for the ball field. The trees weren't planted because they were to screen the boys day camp. Since that camp wasn't built, the trees were not planted. A. Cardoso disagrees with this condition. That project is not before the Board and it's not appropriate to make that a condition. He feels that requirement would exceed the authority of the Board.

J. Ricciani reminded the Board that conditions must be reasonably related to the project. The project before the Board is a simple residential subdivision. She cannot remember this Board ever requiring screening for a single-family residence.

R. Sipos disagrees because the septic was originally part of the other project and now it's being used as part of this current project. He agrees that trees should be replaced.

The Board agreed to a condition that up to 30 feet of trees will be replaced.

J. Ricciani confirmed that park land fees are due for the two lots.

Chairman Robbins would like to propose a condition that should an application for further subdivision be brought before this Board, that it be treated as a major subdivision. He identified that the Town Code does address it but he would like to see if mentioned as a condition. S. Hawvermale and R. Sipos agree with this condition. A. Cardoso agrees with the concept but they have a right to further subdivide subject to the Town Code. He's concerned about making a condition for something that's not enforceable or covered under existing law. J. Ricciani agreed and confirmed that it is contained in the current subdivision law. She suggests that if an application is made for further subdivision, it may be considered a major subdivision and be subject to further scrutiny. The Board discussed language of the condition.

Motion made by S. Hawvermale to approve this project subject to the conditions discussed. Seconded by R. Sipos.

Roll Call Vote:

K. Barnhart	Aye	S. Hawvermale	Aye	A. Leaney-Levenson	Abstain
A. Cardoso	Aye	R. Robbins	Aye		
A. Devlin	Aye	R. Sipos	Aye		

This application is approved.

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

There are no comments.

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

There are no comments.

#### **Adjournment**

Motion made by K. Barnhart to adjourn the meeting at 7:39pm. Seconded by S. Hawvermale.

Vote: All in favor.