

**\*\*\*\*\*DRAFT\*\*\*\*\***

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, January 5, 2023**, at the town hall.

Supervisor Hogue called the meeting to order at 6:15 p.m.

Roll Call – Present – Daniel S. Hogue, Jr., Supervisor  
Karen Ellsweig, Councilperson  
Steve Budofsky, Councilperson  
Susan Parks-Landis, Councilperson

Absent – Vincent C. Galligan, Jr., Councilperson

Recording  
Secretary – Teresa Collins, Deputy Town Clerk

Others  
Present — Troy Johnstone, Esq. – Attorney for the town  
Richard Robbins, Planning Board Chair

#### **PUBLIC COMMENT –**

**RABBI SILBER:** My name is Rabbi Yeruchim Silber and I serve as the director of the New York Governmental Relations for Agudath Israel America. So first, as an organization, we are a national advocacy organization for the Orthodox Jewish community. One of our major focuses is on civil and religious liberties.

As a community we've grown exponentially over the years, and we need to expand like any community. I live in Brooklyn, New York personally, and I have five children, four of them do not live in Brooklyn because we expand to other areas. We can't all live in the same place. That's the American way. As the community grows, we need a new place to expand. The American way is any person can live wherever they choose so long as they follow the local laws. Unfortunately, in many areas of New York, New Jersey, this has not been the case. Almost every year where Orthodox Jews have looked to expand, there's been obstacles placed in their path. Whether it's zoning laws, new preservation funds, other issues, there just seems to be a concerted effort to keep Orthodox Jews out. In fact, the supervisor of an Orange County town, I won't mention the town was caught on tape saying, keep the Hasidics out. Caught on tape - and was sued by the attorney general.

Sadly, this phenomenon seems to have come here to Forestburgh as well. The Lost Lake development had already been approved by a previous developer, approvals were all in place, and when it was sold to the current developer, all of a sudden, the approvals kind of were taken away, we see one barrier after another. Sorry to say, this seems to me, you know, I'm not going to read what is in anyone's heart, but it's very disturbing to us. We know the developer has filed a number of lawsuits, and most recently alleging the Town is in violation of the Fair Housing Act. We fully support it and are monitoring it. But our real hope is that members of the board -- and I really appeal to you to reconsider and allow these American citizens, whether they are here seasonal or all year around, to live in their homes like anybody else. To live the

American dream, buy their homes and live in their homes. To allow -- these approvals were put in place already. Let's stop these obstacles and allow these people to live. We hope you reconsider. Thank you.

AVI SCHNALL: Good evening. Avi Schnall. Also representing the Agudah office. Thank you for giving me the opportunity. I will be very short and brief so we can enjoy this April, January day.

In 2011, the Town board rezoned the Lost Lake development, which is a 3.3 square mile piece of property. It was, at the time, owned by Double Diamond, a Texas developer and was authorized to build a total of 2,637 residential units. In 2013, the same Town board granted Double Diamond final subdivision and site plan approval for the first phase of the project consisting of 400 single-family homes.

Everything was looking very positive, and then something strange happened. In 2020, a group of Hasidic Jewish investors purchased that property that had the approvals, that had the site plan, that was ready, shovel ready to build 400 homes. However, since that time, there has not been one permit, with the exception of one out of 400 granted to these new owners to start building.

During the same period of time, another very interesting thing took place. And that is that the same board adopted a new law. A new law that increased the parkland fees by one thousand percent. I wonder if it's coincidental. A previous Town supervisor was quoted to say that these are not the visitors we need to attract, and there are visions of Sullivan County becoming larger than Kiryas Joel. We don't have to be a rocket scientist to figure out what this was referring to.

Unfortunately, these instances are not something which is new to us and to our community. Agudath Israel filed a lawsuit in Jackson Township, New Jersey six years ago as we saw a very similar sequence of events. We have played an active role in several lawsuits in the State of New York, and we are here tonight -- and to tell you personally, I drove in this afternoon over three hours to get here. I don't live in Sullivan County; I don't live in the State of New York. However, I came here tonight to deliver a very clear message. And that message is, that we are here, and we will continue to be here, and we will continue to defend the rights of every Jewish person to be able to live with the same rights of everyone else in this room that we cherish, that we fight for, that this country stands upon. And we are hopeful that this whole entire ordeal will be able to reach a positive resolution. Thank you for giving me the opportunity. Have a good evening.

ZEV TERKELTAUB: My name is Zev Terkeltaub. I'm a local resident in Sullivan County. Good evening, everybody, it's my pleasure to be here. I live right down the road in Sullivan County, in Monticello, and I represent A community that's affiliated with over 2,000 families.

It's very sad to look at the situation that's been happening here in Sullivan County where the officials who are supposed to represent and work for the people, the landowners, and the property owners, and instead of that, they revoked the existing approvals that were -- that had been given. And the truth of the matter is, the first time we heard that they're working on this project, we all became very excited that the economy is going to boom. The taxes are going to be more, the stores are going to be more, and it's going to boom the whole economy. But unfortunately, for the only reason it was revoked is because of discrimination of the minority groups. It's very painful-- I hope and pray that those who are currently listening could and should revise their actions, before this becomes an example of things that shouldn't be happening, that are happening. Thank you very much.

**RABBI MENDLOWITZ:** My name is Yaakov Mendlowitz. I'm living in Sullivan County right here in Monticello. Just to address one of the things that came before about the discrimination, to us and the Jewish community.

If board member says that he is disturbed by this discrimination, as a Sullivan County resident, and as a community person and running a school, a local and Jewish school here all year round, we can hear that back from a lot of people that are – oh you are the people that want to come in Forestburgh Town? You're not welcome, you're not this, you're not that. We are -- we hear that back, this discrimination. And it's not that somebody is getting disturbed by hearing the discrimination, we're feeling that every day. And we're going -- all the communities here in Sullivan County that live here all year round, including Monticello, Kiamasha Lake and South Fallsburg know exactly what I'm speaking about. I urge the Town if it's possible, to end this, and let the development happen. Thank you.

**MINUTES – December 1 and Yearend 2022 Minutes**

MOTION by Councilperson Landis, seconded by Councilperson Budofsky

Vote: 4 ayes –0 nays. Motion carried.

**GENERAL FUND VOUCHERS 2022** - #276-283 in the sum of \$4,686.00 as set forth in abstract #13 were audited for payment. MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky

Vote: 4 ayes –0 nay. Motion carried.

**GENERAL FUND VOUCHERS 2023** - #1-4 in the sum of \$1167.62 as set forth in abstract #1 were audited for payment. MOTION by Councilperson Landis, seconded by Councilperson Budofsky

Vote: 4 ayes –0 nay. Motion carried.

**HIGHWAY FUND VOUCHERS 2022** - #155-162 in the sum of \$13879.39 as set forth in abstract # 13 were reviewed. MOTION by Councilperson Landis, seconded by Councilperson Budofsky to accept the highway fund vouchers. Vote: 4 ayes - 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** - in the sum of \$125 as set forth om abstract #1 were reviewed.

MOTION by Councilperson Landis, seconded by Councilperson Budofsky.

Vote: 4 ayes – 0 nays. Motion carried.

## CORRESPONDENCE

Town of Forestburgh Town Board  
Attn: Daniel Hogue, Supervisor  
332 King Road  
Forestburgh, NY 12777

January 3, 2023

Dan,

I am interested in contributing monies to the Town of Forestburgh to help support legal action that may be required in the Lost Lake PDD Development matter.

Would you please let me know if this would be possible?

Sincerely,



Frederick R Wierdsma  
185 Baer Road  
Forestburgh, NY 12777

## UNFINISHED BUSINESS

DASNY GRANT – As per Councilperson Ellsweig we are waiting for the contract to be signed by the state.

Planning Board Attorney – The town is look into a new planning board attorney and Supervisor Hogue has requested to have two board members (councilpersons Ellsweig and Landis) to present for an interview with two individuals that are interested in the position. The Interview will be done via zoom with the help of Richard Robbins.

## NEW BUSINESS

Updated Zoning Regulations -Public Hearing scheduled for proposed zoning regulations, Thursday February 16, 6PM to 8PM.

Councilperson Budofsky presented the following request for changes to the proposed zoning regulations:

### *B1 development issues*

- 1. Protective covenants in the deed of Black Brook Forest dated 1999 #1 Schedule A  
\*No Commercial use of the property is allowed.*
- 2. While some commercial development is supported, at a certain point such development completely changes the character of the neighborhood. In addition, there are significant negative impacts on the natural environment which are of great concern. DEC studies, water table studies, surface water testing and our own Comprehensive Plan dictate that commercial development be limited in areas identified as containing fringe wetland, natural waterways classified as requiring stringent regulations by the DEC and fragile ecosystems. The B1 district contains all of these. Further evidence can be provided as necessary to support restricted development of this sensitive area.*
- 3. There is a dry hydrant in the district which has already had issues and must be protected from negative environmental impacts as well.*

*Please consider the proposed amendment to the B1 commercial district as we believe it is a more acceptable designation of land use as it supports further commercial development*

as well as limiting negative impacts to our neighborhood, our natural resources and ~~the~~ the protected environment designated by the DEC.

Thank you

Patrick + Teresa Collins

Andy + Liz Regan

Dave + Margaret Griffin

Anthony Griffin

John + Beverly Bergen

Katie Marchetto

Pete Marchetto PhD Biological + environmental engineering

Elizabeth Klein

MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky for the changes on the proposal on B1 development.

Vote: 4 ayes – 0 nays. Motion carried.

#### **REPORTS – BOARD MEMBER COMMENTS**

Supervisor Hogue presented to the board a resolution to accept unsolicited gifts.

# **Town of Forestburgh**

## **RESOLUTION 2023-01**

### **REGARDING ACCEPTANCE OF UNSOLICITED GIFTS**

**Dated: January 5, 2023**

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 5th day of January 2023, Councilperson Karen Ellsweig offered the following resolution and moved for its adoption:

**WHEREAS**, the Town Board of the Town of Forestburgh received an inquiry from a Town resident offering to make a monetary gift to the Town to help defray costs related to Lost Lake Resort Planned Development legal actions and proceedings; and

**WHEREAS**, the Town Board, under Town Law section 64[8] may accept unsolicited monetary gifts from the public for a specified municipal purpose.

**NOW THEREFORE BE IT RESOLVED** that:

(1) the Town Board authorizes the Town Supervisor to establish a separate agency account for purposes of depositing unsolicited gifts when such gifts are actually offered and accepted by the Town Board; and

(2) any gifts and conditions thereto shall be reviewed by the Town Board and accepted only if such conditions and restrictions are acceptable to the Board; and

(3) if accepted, a gift of cash for a designated or "restricted" purpose shall constitute municipal monies and expenditure of these monies will be restricted for the intended purpose and subject to the same statutory requirements as other municipal revenues; and

**BE IT FURTHER RESOLVED** that:

(4) municipal officials or appointed committee members may not engage in fundraising activities or solicit gifts from the public; and

(5) municipal officials or appointed committee members may not officially endorse private individual or community group undertaking fund-raising / solicitation activities for the benefit of the Town; and

(6) the Town Supervisor shall notify Town officials and employees of the restrictions on fundraising activities and gift solicitations.

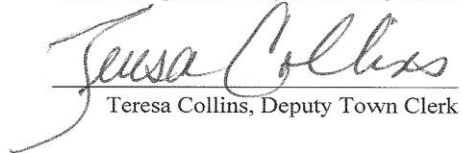
Adopted this 5th day of January 2023.

**By Order of the Forestburgh Town Board**

I, Teresa Collins, Deputy Town Clerk of the Town of Forestburgh, Sullivan County, New York,  
**DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the  
Town of Forestburgh on **January 5, 2023** and that the foregoing is a true and correct transcript  
of the original local law and of the whole thereof and that said original local law is on file in the  
Town Clerk's office.

**I DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the  
said Town Board meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of  
Forestburgh this 5 day of January 2023.

  
Teresa Collins, Deputy Town Clerk

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TOWN SEAL



MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky for the adoption for resolution regarding acceptance of unsolicited gifts.

Vote: 4 ayes – 0 nays. Motion carried.

**VACANCIES** – We are currently still looking for a ZBA Secretary.

**EXECUTIVE SESSION** – MOTION by Supervisor Hogue, to enter into executive session. for the purpose of Tax Certiorari at 6:57 P.M.

**Executive Session** – As per Councilperson Landis, no actions taking.

Respectfully submitted,

Teresa Collins,  
Deputy Town Clerk