

TOWN OF FORESTBURGH PLANNING BOARD

Minutes

January 24, 2023

After a public hearing, the meeting was called to order at 7:02pm 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 Engineer: Tim Gottlieb

Recording Secretary: Billie Jean McGinnis

Approval of Minutes

The minutes from the December, 2022 meeting were reviewed. Corrections were made to show the correct meeting attendance of Board members.

Motion made by K. Barnhart to approve the minutes as amended. Seconded by S. Hawvermale. Vote: All in favor. Chairman Robbins and A. Cardoso abstain as they were not at the meeting.

Public Comment on Agenda Items

There are no comments from the public.

The Hartwood Club, Inc.

A public hearing was held earlier tonight. John Fuller presented on behalf of the applicant. He provided an update indicating that the County made a local determination. They've gotten comments from the Fire Department and the Highway Department. There were no comments of any significance. Mr. Fuller indicated that he failed to post notice of the public hearing on the property. He provided certified green cards and mail receipts. The road maintenance agreement was satisfied according to Jacy. They've addressed all of the engineer's comments.

R. Sipos indicated that as you drive onto the property, there is an area of wetland with tall grasses similar to a marshy area. Mr. Fuller explained that there is no historical wetland there. Grading was done in the past and dirt, cobble and rocks were dumped there which created a depression and water collected over time.

Chairman Robbins indicated that the applicant has met all of the technical requirements. The application includes the Sullivan County Clerk's Office confirmation of deeded ownership of the parcel in question by The Hartwood Club. He has also provided an owner's proxy signed by the president of The Hartwood Club attesting to the ownership and his authority to present this application. There are reports from the Highway Department and Fire Department.

As lead agency, Chairman Robbins reviewed the environmental assessment with the Board.

Motion made by A. Cardoso to make a negative declaration. Seconded by S. Hawvermale.

Vote: All in favor.

Chairman Robbins indicated that the public hearing is being held open. Should anything come to pass to impact our decision, we have authority to re-open the environmental assessment for discussion. The Board also has the authority to impose conditions of the approval such as parkland fees and escrows being paid.

This matter is tabled for our next meeting.

Ketterer Lot Improvement

Chairman Robbins explained that this is an application for a lot line revision between two lots of a previously approved subdivision.

Scott Ketterer presented his application before the Board. T. Gottlieb indicated that some information was missing from the application form itself such as the tax lot numbers, date of the application. Mr. Ketterer made the necessary changes.

Mr. Ketterer explained that he walked the property and found a plateau where he wanted to build a house. The neighbor, owner of Lot 17, also wanted to build on the plateau. They'll own 200 acres but live 30 feet apart. His goal in coming up here is to be private. The neighbor offered to sell his lot to Mr. Ketterer. His goal is to have the lot line change so he can build on the plateau and not have a neighboring house nearby.

Chairman Robbins confirmed that Mr. Ketterer will purchase all of Lot 17. He met with the potential builder and would like to start building in April or May.

Chairman Robbins indicated that we have a complete application. We can declare The Planning Board as Lead Agency for SEQR Review.

Motion made by S. Hawvermale to designate the Planning Board as Lead Agency. Seconded by A. Cardoso.

Vote: All in Favor.

As lead agency, Chairman Robbins reviewed the environmental assessment with the Board.

Motion made by S. Hawvermale to make a negative declaration. Seconded by K. Barnhart.

Vote: All in favor.

R. Sipos asked if Mr. Ketterer has purchased both lots yet. Mr. Ketterer purchased Lot 18. He has an agreement to purchase Lot 17 upon approval of this lot line adjustment.

S. Hawvermale asked if there is currently access to the plateau. Mr. Ketterer has installed a driveway as far as he can go. Once the lot line is approved, he will continue the driveway to where he'll build the house. S. Hawvermale asked about access to the property if needed. Mr. Ketterer installed a gate which is locked but you can just walk around it. You'll need to walk in to access the property. Woodland Drive provides access to Lots 17, 18 & 19. He is sharing the cost of the gate with the owner of Lot 19. The gate is installed far enough away from the road that fire trucks or plow trucks can get off the road but they will be closing it off sometime. Chairman Robbins recommended that Mr. Ketterer give access to the Fire Department when they close off access.

A. Cardoso asked if the applicant is making any changes to Woodland Drive itself and if Mr. Ketterer owns both lots, why change the lot line? Mr. Ketterer will not be making changes to the road. He may want to eventually sell Lot 17 which is why he wants to change the lot line. Chairman Robbins explained that when the subdivision was approved, these were proposed lot lines. They still have to provide evidence to the building inspector that the site, septic, well and setbacks can be done. These lots are huge so that shouldn't be a problem. Mr. Ketterer mentioned that documents were submitted to show the septic. A. Cardoso asked questions about the driveway. Mr. Ketterer indicated that the driveway will be approximately 800 feet long. He plans to have a gravel top. The final gravel top will not be put down until the construction is finished.

S. Hawvermale asked if the house will take up most the plateau and if someone purchases the lot, how will he prevent them from building on the plateau. Mr. Ketterer explained that the house will be approximately 1500 square feet. The balance of the plateau is difficult to access because of a 40% grade. He changed the lot line as far as he could to meet the setbacks.

Chairman Robbins indicated that the Code provides criteria for the Planning Board to follow to make a determination. He reviewed the criteria with the Board. Each of the criteria have been met. Conditions of the original subdivision have been met. There is no additional impact. Board members agreed. Chairman Robbins asked for any potential conditions other than escrow fees.

A. Leaney-Levenson asked if lights will be installed along the driveway. Mr. Ketterer stated that there will not be lights. He's off the grid and will not have electric to the house. He's been dealing with Orange & Rockland Utilities. They will not allow poles, which is the preferred method. They want him to cut about 20 feet through the forest and he doesn't want to do that. They will not allow him to share a trench with the neighbor. He's looking into solar to be off grid.

K. Barnhart asked about the sequence after approval from the Board. Mr. Ketterer explained that he has been in contact with the owner and provided updates. If approved, he'll contact the owner and he will then buy the lot.

Motion to approve this application with conditions that the fees and escrow be paid and reconciled made by K. Barnhart. Seconded by S. Hawvermale.

Roll Call Vote:

K. Barnhart	Aye	A. Leaney-Levenson	Aye
A. Cardoso	Aye	R. Robbins	Aye

A. Devlin
S. Hawvermale

Aye
Aye

R. Sipos

Aye

The application is approved. Chairman Robbins will prepare and circulate the resolution for signatures.

Proposed Zoning Code

Chairman Robbins explained that the Town Code requires the Planning Board to review the proposed changes to the Zoning Code. Chairman Robbins will prepare a report of their discussion and submit it to the Town Board.

Planning Board Member Comments on Items Not on the Agenda

A. Cardoso asked for a status on the hiring of a new attorney for the Board. Chairman Robbins indicated that the Town Board has received a proposal and an interview will be scheduled. The interview will include two members of the Town Board and two members of the Planning Board.

Public Comment on Items Discussed During this Meeting

There are no comments from the public.

Adjournment

Motion made by K. Barnhart to adjourn the meeting at 8:22pm. Seconded by S. Hawvermale.
Vote: All in favor.