

*******DRAFT*******

PUBLIC HEARING UPON

LOCAL LAW # 1 OF 2023

June 6, 2023

Supervisor Hogue called the public hearing to order at Forestburgh Fire House, 2539 Route 42, Forestburgh New York at 6:05 p.m.

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

Absent – Troy Johnstone, Esq. – Attorney for the town

Recording Secretary – Teresa Collins, Deputy Town Clerk

Others present – Richard Robbins, Planning Board Chair

THERE IS NO TOWN BUSINESS OTHER THEN MOTION TO PAID VOUCHERS

GENERAL FUND VOUCHERS - # 101-116 in the sum of \$16,965.62 as set forth in abstract #6 were audited for payment. MOTION by Councilperson Landis, seconded by Councilperson Ellsweig, pay the General Fund Vouchers. Vote: 4 ayes – 1 nay Councilperson Budofsky abstained. Motion carried.

HIGHWAY FUND VOUCHERS - # 50-54 in the sum of \$28,072.29 as set forth in abstract #6 were reviewed. MOTION by Councilperson Budofsky, seconded by Councilperson Landis to accept the highway fund vouchers. Vote: 5 ayes - 0 nays. Motion carried.

FORESTBURGH TOWN BOARD PUBLIC HEARING RULES

1. Please sign in with the clerk to speak prior to the start of the meeting. Each individual will have one 3-minute time slot assigned to them.
2. The public hearing is for the town board to listen to facts/testimony presented. It is not a designated question and answer session. The board will consider all testimony presented.
3. Please direct all statements to the board as a unit and not to individual board members.

4. Do not respond to or interrupt speakers and please remain silent while others are speaking.
5. All testimony is restricted to matters regarding the proposed Zoning Code. No comments pertaining to any other subject matter is permitted.
6. Please be respectful of the process. No inappropriate conduct, foul language, yelling or slanderous/accusatory language is permitted.
7. Violations of these rules will terminate the 3-minute time slot as well as jeopardize continued attendance at the hearing.

Please Sign In

1	<u>Susan Hawvermale</u>	31	_____
2	<u>Liz Regan</u>	32	_____
3	<u>EVAN STANKINS</u>	33	_____
4	<u>Jim Steinberg</u>	34	_____
5	_____	35	_____
6	<u>Yehuda Miller</u>	36	_____
7	<u>JACK GOED</u>	37	_____
8	<u>SOCRATES ORTIZ</u>	38	_____
9	<u>EVELYN ORTIZ</u>	39	_____
10	<u>Anthony Griffin</u>	40	_____
11	_____	41	_____
12	_____	42	_____
13	_____	43	_____
14	_____	44	_____
15	_____	45	_____
16	_____	46	_____
17	_____	47	_____
18	_____	48	_____
19	_____	49	_____
20	_____	50	_____
21	_____	51	_____
22	_____	52	_____
23	_____	53	_____
24	_____	54	_____

Susan Hawvermale - My concern is that there are a lot of things to regulate here. We only have a part-time building inspector. And I would think that all that is within these new zoning regulations would keep two people busy, not just part time. So, please consider how these are going to be regulated. Because if they're not regulated then they're only as good as the paper they're written on, and we need to have a level playing field so that everyone abides by the zoning regulations across the board.

Liz Regan — Member of the Board, each of these residents I am representing actually live in the neighborhoods which would be negatively impacted. None are opposed to a fair and reasonable plan for

commercial development as the board has already agreed to. However, the push for the additional lots to be zoned commercial is entirely unreasonable, violates our comprehensive plan and poses a threat to our environment as well as to the character of our neighborhoods. As it is now, I fish out garbage (can, paper wrappings, etc. form the brook at least every other week). I do not believe that the owners of the forestburgh store or forage pizza have anything to do with it and believe they are environmentally and morally responsible but they, nor anyone else, can control what the customers do. I have seen people eating by the dry hydrant, then pulled garbage out the brook later that day. Additionally, not one individual in favor of adding all these lots actually lives there. How different would their opinion be if they did or if the proposed lots were adjacent to where they live? All we ask is that the board firmly adheres to what was previously agreed to at 2 meetings after hearing evidence to support our concerns. Nothing has been presented which supports doing otherwise. Also please take into account the fact that we did agree to the compromise of adding numerous lots to the commercial zones which provide more than enough opportunity for commercial development.

List of neighborhoods residents opposed the overdevelopment of the B1 district and the B2 district.

Liz Regan

Andy Regan

Teresa Collins

Patrick Collins

John Bergen

Beverly Bergen

Katie Marchetto

Pete Marchello

Elizabeth Klein

Laurie Steinberg

Jim Steinberg

Ilona Budofsky

Steve Budofsky

Garret Newfield

Dana Parks

Cori Sarares

Dpn Sarares

Marion Harrison

Jay Harrison

Lisa Wissman

Arthur Petrowsky

Socrates Ortiz

Evan Stankunas – we have been residents of this town for about five years. Tonight, we feel our way of life is being attacked under this town board. We urge the town board to vote no. A town of 800 people has a population density of 14 residents per square mile. For this town board to dictate when animals would be permitted on my land. This town board dictates how many dogs and cats I can keep on

my property. How many chickens I may have. Or dictate what time I can let the birds out of the chicken coop. We urge the remove of section 18019 and section 18024 that require a special permit to run a home base business. We do not believe a town official should have the right to inspect my home on a yearly basis if I want to consult from my Home Office. In today's entrepreneurial climate you should be encouraging more people to start businesses from home, not dissuading them because of town required inspections. We believe that these changes are not predicated in the town master plan. We believe these draft regulations are arbitrary and capricious. Has the town documented any instances which justifies these regulations? We know the town is in litigation with Lost Lake. We hate to see our hard tax dollars being used to challenge another Article 78 proceeding. I hope the other residents speak up to make your opposition known of these proposed changes in zoning.

JIM STEINBERG -

FORESTBURGH FIRE DISTRICT

2539 State Route 42
FORESTBURGH, NEW YORK 12777
Ph# (845) 794-7899 Fax# (845) 794- 8031
www.ffdcommissioners@yahoo.com

James E. Steinberg, Sr. Chairman
Alan Kesten, Vice Chairman
Angie Laufersweiler, Treas. / Sec.

Supervisor Hogue and Town Board,

At the Fire Commissioner Meeting on February 14, 2023, a discussion was held regarding the possible zoning change of Residential properties to Commercial Properties in the vicinity of Route 42 and French Clearing Road.

The Forestburgh Fire District maintains a dry hydrant at the corner of Route 42 and French Clearing Road for the purpose of Fire Protection.

At the meeting Commissioner Kesten made a motion that "we go on record that In the Interest of Public Safety and Welfare, we are not in favor of any commercial development that would affect the Dry hydrant at that location or any other location involving dry hydrants in the Forestburgh Fire District. Furthermore, the Fire District would request a full environmental review prior to any action taken.

Second by Chairman Steinberg all in favor aye.

Sincerely,



James E Steinberg Sr.
Chairman Board of Fire Commissioners
Forestburgh Fire District
Forestburgh, New York, 12777

YEHUDA MILLER - Dear Board Members, I hereby express my protest to the proposed new zoning code, as it has elements that would unjustly discriminate against the Orthodox Jewish community. This contradicts the principles of equality and religious freedom that are enshrined in our laws, and therefore must be rejected. If the Board is inclined to nevertheless move forward with the new proposed zoning, a Positive Declaration must be adopted and a full Environmental Impact Statement prepared, which should analyze, among other impacts, the disparate impact on the Orthodox Jewish community.

Jack Gold – pass

SOCRATES ORTIZ – I heard from other people that my property was going to be changed to commercial. I have owned my property for over 30 years. When I first got it, I thought it was commercial. Per the town if property was not used as commercial property for a year, it was automatically reverse out of commercial. More likely I feel like I have to abide by the town. Now the town wants to reverse it back to commercial. I am not ready for commercial; I want to get rid of the property. I don't think this is fair. Once it becomes commercial the tax will go up. Then my pocket will go way down. What am I supposed to do? I don't think it's fair.

EVELYN ORTIZ – pass

ANTHONY GRIFFIN -

Anthony R. Griffin
4 Valley Road
Forestburgh, NY 12777

June 6, 2023

Town of Forestburgh
Town Board
322 King Road
Forestburgh, NY 12777

Re: T-Forestburgh June 6, 2023 Public Hearing Comments to
Proposed Zoning Changes

Dear Honorable Supervisor Hogue and Town Board Members,

The following are my comments and concerns on the proposed zoning changes for your consideration, which is in addition to what I previously presented on February 16th (attached):

1. I have three (3) concerns with regards to the proposed expansion of the B1 Commercial District located at the bottom of St. Josephs Hill:
 - a. First, Lot 21 in the Black Brook Forest Subdivision ("subdivision") should be removed, as I previously discussed with the Board, since it has a restriction on commercial development which was a condition of final approval for the 21lot subdivision that was subject to a comprehensive SEQRA review and approval and public hearing. To include Lot 21 and approve it for commercial development would be a contradiction by the Town to protect the interests of the property owners within the subdivision, as well as residents of the Town,

and would set the stage for potential lawsuits against both the Lot 21 owner and Town with an unfair burden placed on any future plaintiff(s). Being a member of the Planning Board when the subdivision was approved and a resident of both an adjoining lot within the subdivision and owner of a separate adjoining property, I object to the inclusion of Lot 21 in the proposed B1 Commercial District expansion.

- b. Second, the proposed expansion includes several lots which should be considered a major expansion of the proposed zoning for the B1 Commercial District and, therefore, require a comprehensive SEQRA review prior to any approval. There are several environmental impacts to consider along Black Brook and tributary B(T) waterbodies which has an abundance of plant life and wildlife, as was addressed in the SEQRA review and approval process for the Black Brook Forest Subdivision, which included mitigating measures such as Green Belts along the stream and wetland corridors and restrictive Building Setbacks to lessen the identified environmental impacts. The mitigating measures imposed on the Black Brook Forest Subdivision should be considered during the SEQRA process for the proposed B1 Commercial District expansion to provide a coherent, continuum of mitigating environmental measures to best protect this area.
- c. Third, the stretch of Route 42 along the proposed B1 Commercial District expansion area includes three blind curves with sight distance safety concerns. One at the Country Store which also includes a building that jets out and comes close to the pavement shoulder that worsens the sight distance issue, one at the driveway of

former Parlow property that was the location of an unfortunate fatality and one further south at the entrance of Black Brook Drive that is a challenge when accessing Route 42 going north. As residents of the area know, this stretch of road is dangerous with motorcycles that speed through it to “enjoy” the s-turns and truckers that barrel down St. Joseph’s Hill through the area of concern and back up to make better time on the climb. This is not only a concern for future expansion of commercial activity but one that already exists and should be addressed with improved traffic controls. Additional commercial development in this area will only stress the area more, which is why a full SEQRA assessment by the Town should be done prior to any approved expansion. Without fully addressing the cumulative effects of traffic safety to safeguard against concerns identified could prove deadly.

Given the environmental and traffic concerns in the proposed expansion of the B1 Commercial District area, I do not support expanding the area beyond the amended area presented to the Town Board in January of this year.

I would also like to note that I do not support a segmented, non-coherent SEQRA review and approval process for individual lots within the expanded B1 area at their time of development versus the comprehensive approach I mentioned above; as a segmented approach is likely to cause unforeseen, cumulative environmental and safety impacts with regrettable, irreparable damage to the environment and health and safety of the public.

There are two (2) other concerns I have with the proposed Zoning changes I would like to bring to the Board’s attention. They are the proposed 10-acre minimum to Harvest Timber and 20-acre minimum to Quarry for mineral resources. These two activities are

major industries the Town was founded upon, and residents should not be denied accessing timber resources due to any size of land they own, nor should they be subject to having their mineral rights restricted beyond that which is already precluded by the NYS Mining and Reclamation Law. It is worth noting, for example, that more than 80% of all bluestone quarried in NYS comes from sites that are less than 5 acres (ref. NYSDEC). I do not support denying the residents of the Town access to these valuable resources due to the amount of land they own, beyond that which is already required by state law.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony R. Griffin', written in a cursive style.

Anthony R. Griffin, P.E.

Attachment – February 14, 2023 Letter from AGriffin to T-Board.

Anthony R. Griffin
4 Valley Road
Forestburgh, NY 12777

February 14, 2023

Town of Forestburgh
Town Board
322 King Road
Forestburgh, NY 12777

Re: T-Forestburgh B1 Commercial Zone

Dear Honorable Supervisor Hogue and Town Board Members,

It has come to my attention that the previous re-zoning map of the B1 Commercial Zone near Route 42 and French Clearing Road initially proposed to add Lot #21 of the Black Brook Forest Subdivision (attached) and was later amended by the Town Board to be removed upon discussions presented by Councilman Steve Bedofsky at the January Town Board meeting. As you know, Lot #21 is part of the Black Brook Forest Subdivision which is a twenty-one (21) lot single family residential subdivision approved by the Planning Board on September 2, 1999. This subdivision includes development requirements and use restrictions including the prohibition of commercial use except for in-home businesses.

I was a member of the Planning Board when the subdivision was approved. I am also the owner of Lot #2 of the Black Brook Forest Subdivision and a resident of the Town for over 50 years. As a matter of record, you will find Planning Board minutes and documents supporting the Black Brook Forest Subdivision applicant's decision to create single family residential lots only, prohibit commercial use, prohibit further subdivision of lots created and agreement to include restrictions to help protect the environmentally sensitive area of the subdivision land and surrounding area. The Applicant and Planning Board was advised by legal counsel that the best means to ensure these conditions are met in perpetuity was to prepare Protective Covenants to run with the land and to include the Protective Covenants on and made part of the Black Brook Forest Subdivision plans approved by the Town Planning Board. This was done to ensure that the Black Brook Forest Subdivision Protective Covenants were binding upon and enforceable by the Applicant and all persons claiming under it (i.e., owner of each lot) and for the provisions included in subdivision plan, including the protective covenants, to be incumbent upon the Town to enforce when issuing and overseeing construction and use permits.

For the Town to disregard the Black Forest Subdivision Protective Covenants and re-zone Lot #21 to become part of an expanded B1 Commercial Zone would be a contravention by the Town against its own approval of the subdivision to restrict against commercial use of lots within the subdivision. It would also be a failure by the Town to protect the interest of property owners within the subdivision that bought into the residential only

aspect of the approved subdivision upon purchasing and developing their land. To segment out any lot within the subdivision as an attempt to invalidate the restriction to prohibit commercial use imposed on it, without judgement or court order or the expressed approval by all property owners, the Applicant of the subdivision and Town would be a debacle. To prevent the possibility of an enforcement action against the owner of Lot #21 and the Town; should the lot be re-zoned for commercial use and application submitted by the owner for a proposed commercial development plan with the Town acting upon and approving the plan, it is highly recommended to uphold the Town Board's January decision to amend the B1 Commercial Zone to not re-zone residential Lot #21 for commercial use. To drive along French Clearing Road and Dill Road is to see a successful residential subdivision flourish with significant protections provided to the environment with benefit to the natural resources and landowners within and around the Black Brook Forest Subdivision as well as all residents that pass through and enjoy the area.

Black Brook is a NYSDEC class B(T) waterbody which means its best usage is for contact recreation and trout. Black Brook runs through and along a significant portion of the Black Brook Forest Subdivision including Lot #21. The original 273 acres parcel that was subdivided into 21 single family lots was the site of the Black Brook Rod and Gun Club. This club managed the land like a preserve for many years with the hunting camp located on Lot #21. During the sub-division review, Black Brook was understood by all to be an environmentally sensitive area due to the high waterbody classification and abundance of plant life and wildlife having a delicate lifecycle balance that needed to be protected with change of use from wild vacant land to residential to be compliant with the Town's Comprehensive Plan.

Commercial development along Black Brook can expect to have a degrading affect on the water quality of Black Brook and lifecycle balance of plant and wildlife in the area. I trust you, as well other residents of the Town will want to protect this magnificent natural resource that we are fortunate to have in our community and will not be inclined to reconsider the inclusion of Lot #21 in an expanded B1 Commercial Zone. To do so would only encourage the lot to be developed for commercial use and profit and would likely have far greater environmental, traffic, water supply, noise, and odor impacts on our community and natural resources than would a residential use.

Thank you for your consideration in this matter.

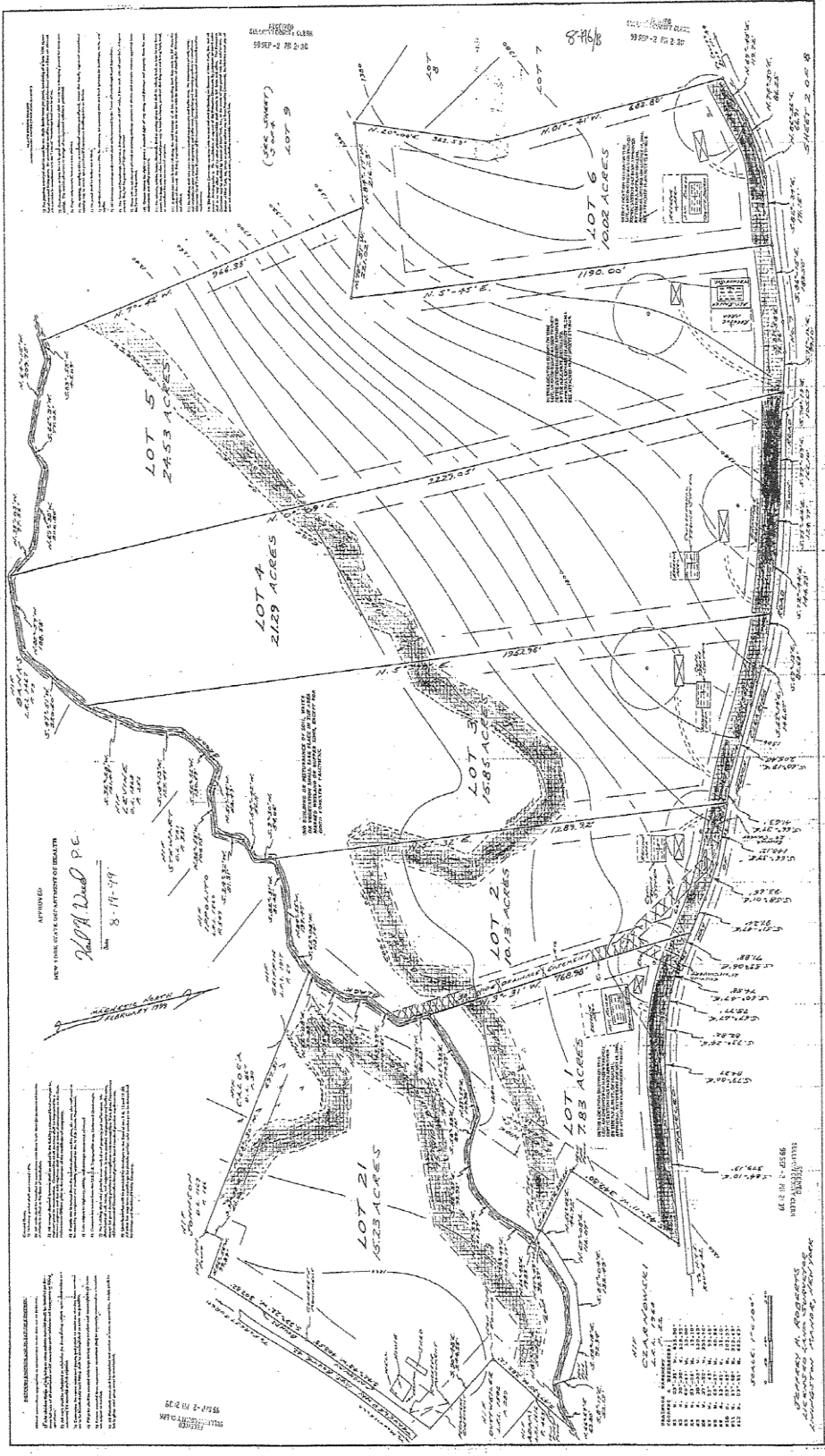
Sincerely,



Anthony R. Griffin, P.E.

Attachment

[illegible]



NOTES:
1. The area shown on this map is the same as that shown on the map of the same area filed for record in the office of the County Clerk of the County of ... on the ... day of ... 19...
2. The area shown on this map is the same as that shown on the map of the same area filed for record in the office of the County Clerk of the County of ... on the ... day of ... 19...
3. The area shown on this map is the same as that shown on the map of the same area filed for record in the office of the County Clerk of the County of ... on the ... day of ... 19...

DEPARTMENT OF CLERK
1955-2 20 2 20

(SEE SHEET)
LOT 9

APPROVED
NEW YORK CITY DEPARTMENT OF HEALTH
8-14-54
[Signature]

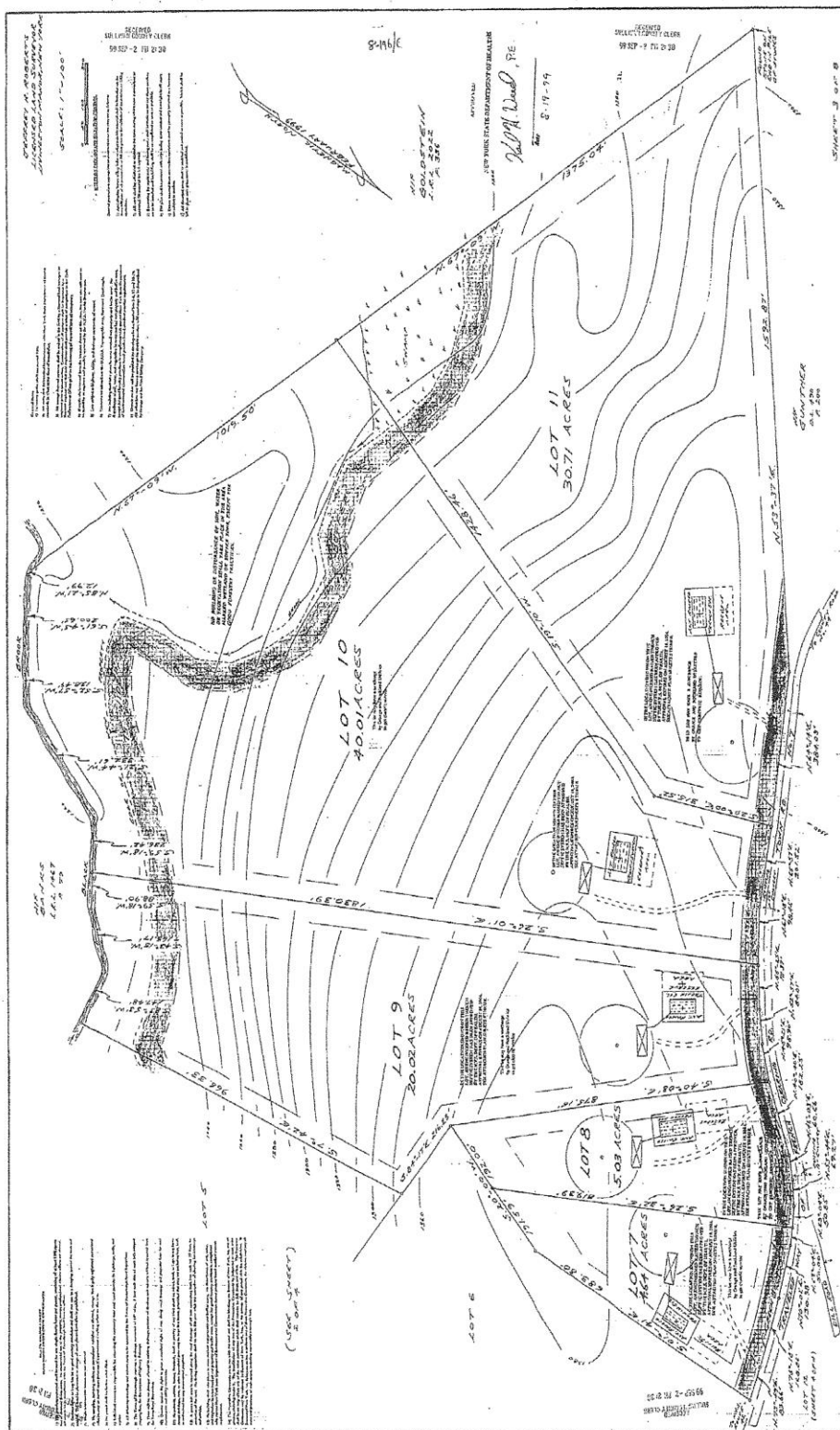
NOTES:
1. The area shown on this map is the same as that shown on the map of the same area filed for record in the office of the County Clerk of the County of ... on the ... day of ... 19...
2. The area shown on this map is the same as that shown on the map of the same area filed for record in the office of the County Clerk of the County of ... on the ... day of ... 19...
3. The area shown on this map is the same as that shown on the map of the same area filed for record in the office of the County Clerk of the County of ... on the ... day of ... 19...

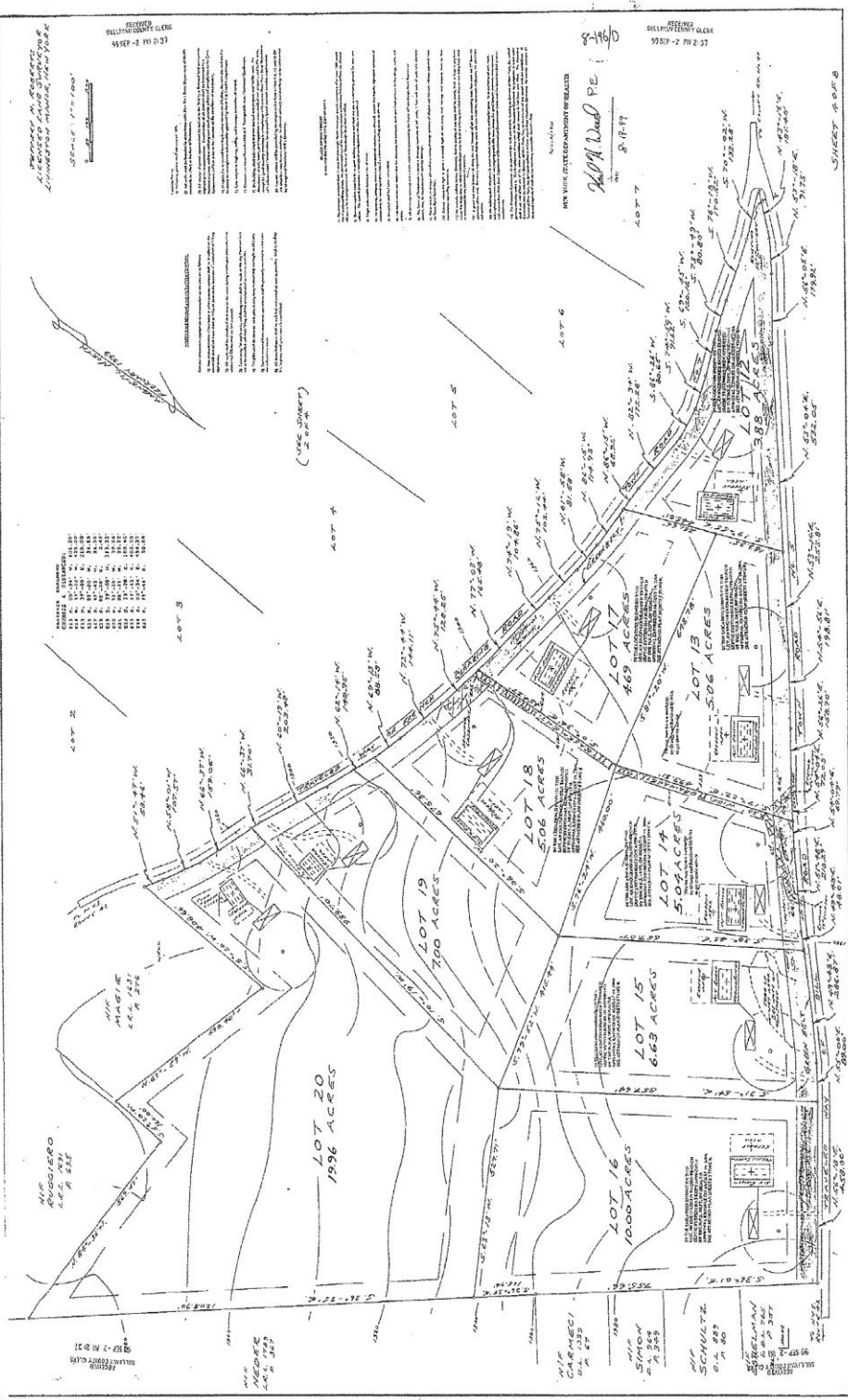
1955-2 20 2 20

DEPARTMENT OF CLERK

LOT	ACRES	FEET	INCHES
LOT 1	783	100	0
LOT 2	1013	100	0
LOT 3	1585	100	0
LOT 4	2129	100	0
LOT 5	2453	100	0
LOT 6	1002	100	0
LOT 21	1523	100	0

DEPARTMENT OF CLERK
1955-2 20 2 20





NOTES: 1. ALL ROTATIONS WERE MADE BY THE SAME PERSON.

Received by
 Bernard A. Cohen, Ph.D.
 P.O. Box 100
 Pt. Creek, NY 12307
 May 9, 1989

BLACK BROOK FOREST SUBDIVISION

French Clearing Rd. & Dill Rd.
Town of Forestburgh
Sullivan County, New York

Tax Map Nos. 23-1-1, 2 & 24-3-1

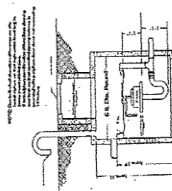
Developer: Sumner of New York Corp.
839 State Highway 7
Hill State Highway

ON SITE SEWAGE DISPOSAL SYSTEM

For 4 Bedroom Residence on Lot Numbers:
1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

RAISED ABSORPTION TOUCH SYSTEM
 EDUCATION & CONSTRUCTION DETAILS

Sheet 7 of 8



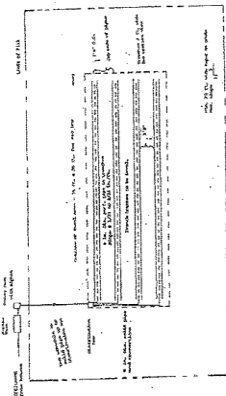
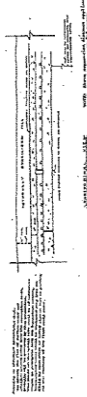
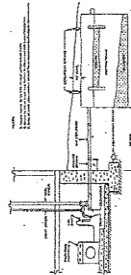
SIPHON TANK - 148 GALLON DOSE

Tank is 5 ft. Dia. round, inside dia.
Dosing Volume is 140 - 150 gallons
Stirrer Drive Down is 12 inches.

ADDITIONAL INFORMATION

FILED FOR RECORDING IN THE
COUNTY OF LOS ANGELES
DATE 8-19-99
BY 92422 DCD
P.E.

SEE SHEET 5 FOR SITE REQUIREMENTS
CONSTRUCTION PROCEDURES
& GENERAL NOTES

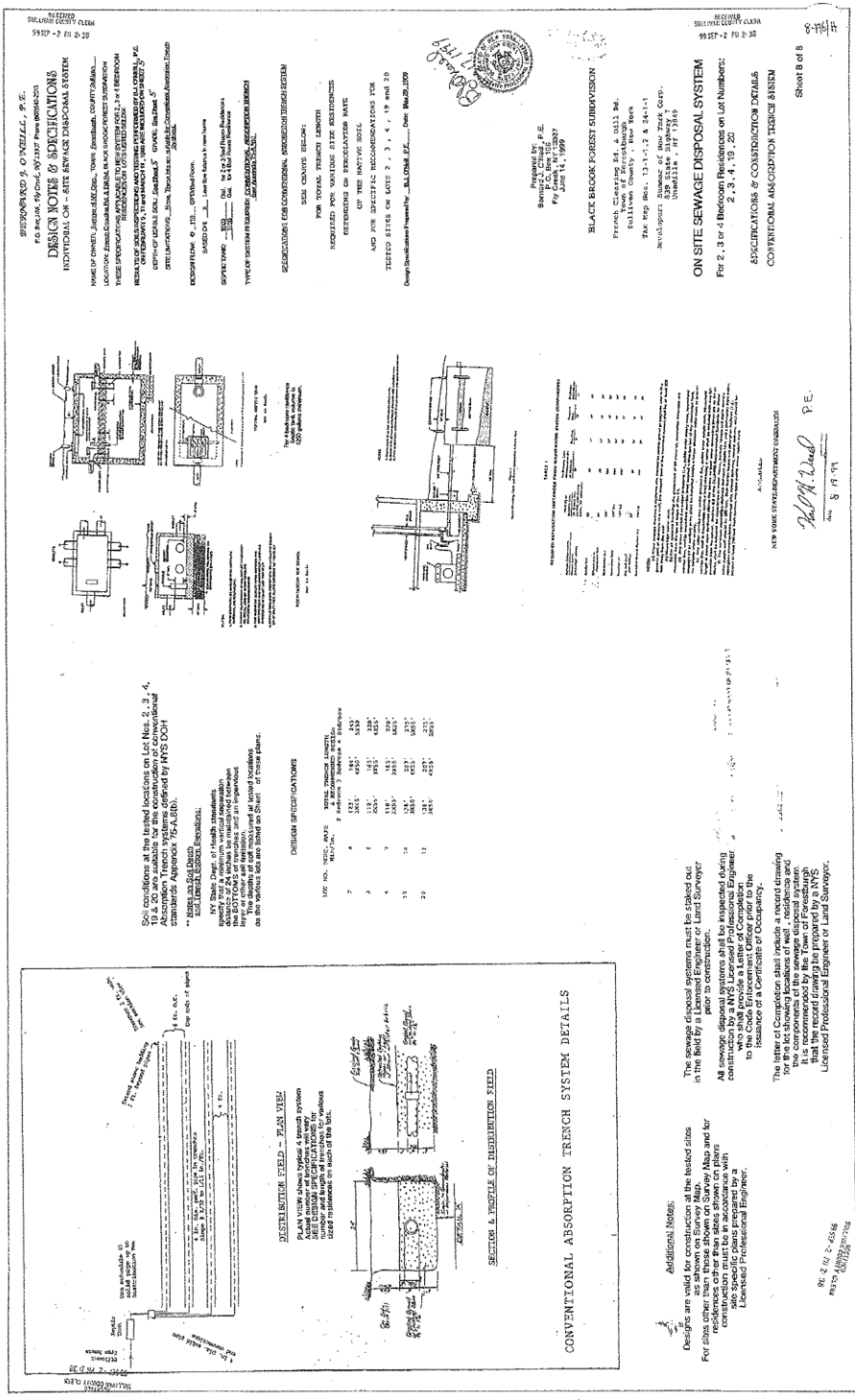
PLATE V[illegible]

* Notes on Soil Depth and Trench Bottom E

Notes on Soil Depth
and Trench Bottom Elevations:

The depth of soil and required trench bottom elevations, as appropriate to the tested locations on the various lots, are listed on the end of these plans.

93 SEP -2 PM 2 38



Shawn & Sabrina Brockman
129 Griffin Road, Cuddebackville, NY 12729
127 Griffin Road, Cuddebackville, NY 12729

To whom it may concern,

Please be advised as property owners of above referenced properties we find the proposed zoning changes by the town of Forestburgh to be an erroneous abuse of our rights as land owners and we do not agree with the proposed changes and the negative impacts that the zoning changes will have on our way of life. The proposed changes will have a negative impact on our quality of life and rights as property owners.

Sincerely,
Shawn Brockman

A handwritten signature in black ink, appearing to read 'Shawn Brockman', with a stylized, cursive script.

June 6th, 2023

Patrick & Lucy Wood
111 Griffin Road
Cuddebackville NY 12729

Town of Forestburgh Town Board:

It has come to our attention that several of the zoning laws are being changed. These changes would directly affect our lives here on Griffin Road. We feel these changes do not embody the entity Forestburgh was when we purchased our home here to escape New York City. In addition, we feel that such micro-management of our lives is unnecessary and unwarranted. We implore that the Town Board oppose these zoning changes.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lucy Wood', written in a cursive style.

Lucy Wood

Forestburgh Planning Board Report:

As required by Forestburgh Code section 85-37 and upon referral by the Town Board at its May 4, 2023 meeting, The Forestburgh Planning Board reviewed the proposed Local Law #1 of 2023 amending the zoning code, including its schedule of uses, and proposed district map at our regular meeting on May 23, 2023. We also reviewed the map initially proposed by the Zoning Committee, and a third map which removed a single lot from the B1 district - which is encumbered by a subdivision approval-imposed restriction against commercial use, but leaves the other lots in B1 that were removed by the Town Board from the map proposed by the zoning committee.

The current Forestburgh Zoning Code Section 85-37 (A) (B) requires the Planning Board to address three topics when undertaking a review of a proposed amendment to Zoning Law:

(A)

- (1) Whether the law is consistent with the aims and principles embodied in (Chapter 85) as to the particular districts concerned.
- (2) Which areas and establishments in the town will be directly affected by such change and in what way they will be affected
- (3) The indirect implications of such change in its effect on other regulations.

Concerning a proposed amendment involving a change in the Zoning Map:

(B)

- (1) Whether the use permitted by the proposed change would be appropriate in the area concerned
- (2) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such a change. The changes are not increasing the pressure upon public services here in Forestburgh – and they are not designed to increase residences.
- (3) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

Addressing each of these sections, the Planning Board reports to the Town Board:

(A)

- (1) **The Planning Board unanimously concurred that, the new code local law is consistent with the aims and principles embodied in Chapter 85, while also imposing new regulations, standards and permitting procedures.**
- (2) **The Planning Board unanimously concurred that the areas and establishments potentially impacted are those areas where some commercial activity exists already, and the impact upon them will be that there may be more commercial neighbors with the requirements of the new code creating an opportunity for synergy between the old and new commercial activities and greater cohesion in terms of design and layout than present – albeit there is very little commercial use presently.**
- (3) **The Planning Board identified an indirect implication of the proposed local law identified that is less a zoning matter per se, but a practical one of enforcement of the provisions of the proposed code.** The new code includes a number of new standards and permitting requirements and these will cause an increase the workload for our Code Enforcement Officer. We recommend to the Town Board that it give consideration to how our CEO can be

supported in carrying out the increased requirements imposed upon him by these updates and additional requirements.

The Planning Board also reports regarding the requirements of Forestburgh Zoning Code Section 85-37 (B)

Concerning a proposed amendment involving a change in the Zoning Map:

(B)

(1) The Planning Board unanimously concurred that the proposed amendments to the district map, and the uses permitted by the proposed changes were entirely appropriate for areas concerned. In addition, the Board unanimously agreed that the removal of the lots not encumbered by the restrictions imposed by the Planning Board in the approval of the Blackbrook Forest Subdivision was not appropriate, and recommends that those lots should be added to the B1 district. The reason proffered for their removal from B1 district as proposed by the Zoning Committee was a purported environmental impact of the zoning change to Black Brook is not a matter of zoning, but rather one that is properly addressed in the State Environmental Review Act (SEQRA) process of any proposed commercial development of those parcels. The Board also observed the inconsistency between arguing to exclude properties adjacent to Black Brook, while not making the same argument against including the properties from the B3 district that border the stream that drains from Forestburgh Pond and drains into Black Brook. The Board was evenly split on whether the one restricted lot previously proposed to be included in B1 (the Former Blackbrook Hunting Camp property) should be included in the B1 district. In addition, the Board unanimously felt that the B2 zone should include the “triangle” lot created at the divergence of St Joseph’s Hill Road and Rt 42, and the 3 lots on the west side of Rt 42 across from that triangle shaped lot not presently included in the proposed B2 district.

(2) The Planning Board unanimously concurred that adequate public facilities and services exist in the areas affected by the proposed changes and that the changes proposed will not in themselves increase the number of residences requiring public services in Forestburgh.

(3) As there are presently no existing or proposed plans in Forestburgh - other than the previously approved PDD - which is not itself impacted by the proposed changes to the districts in the new code and does not adjoin any area where the district map has been amended. While there is gossip regarding the potential for two commercial solar energy development projects in Forestburgh, neither of these potential projects are potentially impacted by the proposed changes to the districts. The first, in the RR zone will require a special use permit - as it would in the current zoning; the second, an Article 10 Utility Scale project will be subject to the jurisdiction of the state Office of Renewable Energy Siting (ORES), and is inconsistent with current and proposed zoning, but Article 10 supervenes local zoning jurisdiction regarding the siting and review of such large scale renewable energy projects. The Planning Board unanimously determined that the changes create no adverse impact to any plans.

Respectfully Submitted,
FORESTBURGH PLANNING BOARD

MOTION - for the Public Hearing for Local Law #2 and Regular Board Meeting will be scheduled for July 6, 2023.

MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky.

Vote: 5 ayes – 0 nay Motion carried.

As per Supervisor Hogue the board will consider all public comments and review and discuss any potential changes that may deem significant. If so, then we will have another public hearing. If the changes aren't deemed significant then the town board can move ahead or not with the zoning. Supervisor Hogue would like the board to review all comments and documents for the July meeting so that the board can decide if they wish to discuss it at the meeting or set up a separate meeting date.

ADJOURNMENT – MOTION by Councilperson Budofsky, seconded Ellsweig to adjourn at 6:30 p.m.

Respectfully submitted,

Teresa Collins,
Deputy Town Clerk