

Statement to the Press and Public

When Forestburgh was notified of the Attorney General having received a “report” that Forestburgh’s new zoning code discriminated – we were invited to respond to this complaint, and we have. A copy of our response is available and attached to this statement.

We believe this “report” was made by the owner of most of the property in a zoning district in Forestburgh – the Lost Lake Resort Planned Development District (PDD) which was NOT affected or amended by Local Law 3 of 2023. This new owner has been seeking to develop this district in a way that is inconsistent with the approvals that were granted to the prior owner of the property over 10 years ago, after going through an approval process to amend our Zoning Code that took 5 years of work, input from multiple state and federal agencies, Environmental experts, and public comment and review. Rather than seeking permission to amend the zoning code and requirements for this district, this new developer has sued Forestburgh in 6 separate lawsuits and 6 appeals, which we have defended and to date, have prevailed in. It’s efforts to void the stop work orders and denials of permits have failed and forced the Town to sue the Developer to comply with the requirements of the law. In the most recent denial of the developer’s motion to dismiss our suit, the court held

The Lost Lake Planned Resort Development and the Lost Lake Development are not the same plans, not the same developers, not the same approvals. As (Forestburgh’s) pleadings and affidavits allege that the infrastructure is inextricably intertwined with the development as a whole, and the current development is wholly different than that which was approved, (The Town of Forestburgh) has stated a valid cause of action and this portion of the motion to dismiss is denied."

The statement issued by the First Deputy Press Secretary of the Attorney General’s office that accompanied the Assistant Attorney General’s letter seriously mischaracterized it and misled a wide variety of media outlets and others. It has been the language and accusations set forth in that press release that have been quoted in the media, not the Attorney General’s letter. It did so in such a way that it elevated the developer’s reported complaint to appear to carry the weight – and legitimacy – of the Attorney General, when, in fact the letter was passing the report on, and asking Forestburgh to review the matter. The press release stated that “Local Law 3 impose(s) unfair zoning restrictions that target and discriminates against the Jewish Community”. The Attorney General’s letter did not make such a sweeping and damning accusation. Nor did it “demand” that Forestburgh make changes, but instead requested that it review the law to assure compliance with applicable

state and federal law. It stated that the setbacks the code required were 200 acres, when, in fact, they were 200 feet. The entire tone of the press release served to legitimize the complaint of a disappointed and frustrated developer by saying that these were the statements of the Attorney General. It injected religion into the discussion to inflame when what is actually the root of the dispute is that this developer wants to use the property it bought for a use that was not part of the approved Master Plan for this resort development, and it refuses to comply with the legal procedures in place to obtain approvals for what it seeks to do.

Not surprisingly, it is the inflammatory language of the Press release that has been repeated in the media and social media. Being falsely accused of religious discrimination is hurtful and dangerous. Forestburgh, its officials and residents have received unwarranted vitriol that were fueled by the First Deputy Press Secretary's inappropriate and, in fact, libelous statements. A public apology is warranted.

Dan Hogue

Supervisor, Town of Forestburgh

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