

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

PUBLIC HEARING UPON

INTRODUCTORY LOCAL LAW # 2 OF 2024 REGARDING  
TOWN OF FORESTBURGH ZONING CODE BULK TABLE AMENDMENTS

June 6, 2024

Supervisor Hogue called the public hearing to order at 6 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor  
Karen Ellsweig, Councilwoman  
Steven Budofsky, Councilman  
Susan Parks Landis, Councilwoman  
Absent – Vincent Galligan, Councilman

Recording Secretary – Teresa Collins, Town Clerk  
Present – Troy Johnstone, Attorney for the Town  
Others Present – Richard Robbins, Planning Board Chair

**Public Comment – Mr. Miller**

I would like to direct my comments to the Local Law proposed which basically still keeps 5 acres for most of the town for places of worship. I would like to briefly explain why the proposed law will significantly hinder religious Jews from residing in this town and practicing their religious beliefs. There are many, many shuls, which are places of worship for religious Jews across Sullivan County, and I have yet to encounter one that is situated on five acres. None. As you know. Religious Jews, including Hasidic Jews, cannot drive on Sabbath and must have a place of worship within walking distance to live in any community. To practice our religion, we need 10 people to pray. Local shuls have as few 15 to 20 members. Why should we need 5 acres. Why double their requirements for place of worship rather than minimize it. Was there any issue or complaint relating to the place of worship that served the community for many years on a much smaller parcel. Many areas in the town do not have available 5 acre parcels. What is the purpose of this requirement when there are already minimum setbacks from neighboring properties? What is the point? This will clearly hinder the ability of religious Jews, to reside in this town. If the board is inclined to pass this law as written. I respectfully request that the religious community be given the opportunity to present our concerns regarding the requirements of places of worship. Just as the town set up a committee to meet with stakeholders about the commercial use of short term rentals and its regulation. I am willing to organize a similar meeting with interested stakeholders and members of the orthodox Community to share

our perspective with you. In conclusion, Members of this board, this law must be analyzed and discussed publicly and transparently. I encourage you to set up a workshop to address the needs of our community. Thank you for your time.

**Mr. Greenbaum**

I represent the good Israel of America. We are a national organization with over 100 years' experience. In regarding to your comprehensive plan. It says very specifically that you allow for development of housing, business and community facilities. We as an Orthodox Jew as Hasidic Jew, need a community facility. We happen to call it a synagogue, but it serves as a Community Center. There's absolutely no reason the use you know have less people attending them than you would have and less vehicular traffic, than you would have at a movie theater that requires that much more space. So respectfully, we ask you to rethink any consideration of making it so difficult to go ahead and develop properly with the infrastructure needed for the community that will welcome anybody who wants to move in, open to all, and will be bring a boom to a town. Thank you for your time.

**Mr. Halberstam**

I spoke before the board three years ago; I asked you not to pass the moratorium that blocked my community from living in this town. Today I asked you not to pass the law to block myself and my religious community from practicing our religion freely and further burden on us for no good reason. I urge you to reverse the restriction on the place of worship. Let us all live and practice our religion freely. Thank you.

**Isacc Rosenberger**

I am a local contractor in the area. I did construction for over 25 years. In the last five years, I competed over 8 houses of worship in the local area for a couple of municipalities. Any of those houses of worship were build no more than half an acre. That you are trying to propose a five acre in a local area versus in the commercial area should be the opposite. A house of worship local walks to a synagogue when outside by shopping center which is pretty bigger. I don't think this is the way to approach it and should be the best. Thank you

**Abraham Bruckner, Abraham Israel, Alex Portugal, Mr. Klien. Mr. Gold and Mr. Monowitz** have also commented against the five acres minimum for their house of worship.

MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to close the public hearing at 6:19 p.m.

Respectfully submitted,

Teresa Collins  
Town Clerk

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, June 6, 2024**, at the town hall.

Supervisor Hogue called the meeting to order at 6:20 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, Town Clerk  
Troy Johnstone, Esq. – Attorney for the town  
Others Present – Richard Robbins, Planning Board Chair

**Supervisor Hogue** – asked everyone for a moment of silence for a lifetime resident who also worked for the town with assessor department for years. A moment of silence for the memory of the passing of Vince Gilligan.

**Councilperson Budofsky – 80<sup>th</sup> Anniversary of D-Day**

80 years ago today, June 6, 1944, the longest day. Operation Overlord D-Day included in General Eisenhower's message to the soldiers of the Allied Expeditionary Force where these words. We're about to embark upon the Great Crusade. The eyes of the world are upon you. Your task will not be an easy one. I have full confidence in your courage. Devotion to duty and skill in battle, we will accept nothing less than full victory. Good luck and let us all beseech the blessing of Almighty God upon this great and noble undertake. It is right and fitting that we remember and honor those many thousands of soldiers who fought. Gave their lives as well as all who served their courage and determination. Turned the tide of World War 2 and ultimately led to the defeat of the Nazis evil mission and the liberation of Europe. These brave soldiers changed the course of world history. So, 80 years later, we remember and honor them, their service and sacrifice must never be forgotten. God bless them all.

**PUBLIC COMMENT- Mr. Miller** – would like to reiterate there was no copy of the local law on the agenda. Supervisor Hogue informed Mr. Miller local law has been available on the website for weeks.

**MINUTES – MINUTES** – May 2, 2024, regular board meeting minutes are acknowledged receipt. MOTION by Councilperson Landis, seconded by Councilperson Budofsky.  
Vote: 4 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - #100 – 118 in the sum of \$27,832.43 as set forth in abstract #5 of 2024 were audited for payment. MOTION by Councilperson Landis, seconded by Councilperson Ellsweig to pay the General Fund Vouchers. Councilperson Budofsky abstained. Vote: 3 ayes – 1 nay. Motion carried.

**HIGHWAY FUND VOUCHERS** - #32- 42 in the sum of \$16,031.67 as set forth in abstract #4 of 2024 were reviewed. MOTION by Councilperson Budofsky, seconded by Councilperson Landis to accept the highway fund vouchers. Vote: 4 ayes - 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** –#9-10 in the sum of \$4,522.50 as set forth in abstract #4 of 2024 were reviewed. MOTION by Councilperson Landis, seconded by Councilperson Budofsky to accept the escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

## **CORRESPONDENCE**

May 23, 2024

Forestburgh Town Board

Dear Board,

This letter is to raise the ongoing issue with the Town regarding loud, amplified music, singing, chanting and speaking from an adjacent property of Forestburgh Pond. The source is either lot 20 or 21 with a driveway entrance on Hartwood Road. This noise has been an ongoing problem for the last two years, beginning in July 2022, continuing through 2023 and now the latest activity on the weekend of May 17-19, 2024. The noise source is less than 800 feet from our residence at 185 Hartwood Road. During the weekend of May 17-19, noise was also heard on Stag Forest Road and some surrounding area homes on Hartwood Road. This ongoing activity appears to be a violation of local Town Ordinance Chapter 110 Noise.

This concern will not be “new news” since this was previously brought to the attention of the town in August of 2022, via email from Elizabeth Grund and Joan Toomey Grund. It was also raised during a town board meeting in August 2023 by Mary Ellen Toomey of 187 Hartwood Road. Based on public records, we are not aware if any action has been taken and there was no response to our 2022 email.

This most recent noise was particularly unsettling and disturbing due to ongoing activity from Friday until Sunday. Each day, amplified activities began around 10am and continued until roughly 5pm. Sunday activities ended a little earlier, at roughly 3pm. This noise was associated with the “Revive-All Conference” per local signage and information/registration promoted on the

advertised website, [www.perfectmountain.com](http://www.perfectmountain.com). (photos and screen grabs attached). It is unclear who actually sponsored the event. The website is vague and the registration form indicated the event could allow for 300 attendees. We estimate at least 50 + people were in attendance. The sound was heard throughout our property and inside our home. As a result, we were unable to enjoy our home, indoor or outdoor, all weekend. Elizabeth works from home and had to disconnect from two phone calls on Friday due to the noise. And this was AFTER all windows were closed. The lack of ability to work or enjoy peace and tranquility in our home for three consecutive days is unacceptable. This also raises the concern of the impact to our property value if these activities continue.

We notified the Sheriff's Department on Saturday, May 18 and they advised that they will only respond to a noise violation if it occurs during the nighttime hours (9pm). They suggested this is a Forestburgh Town issue.

We are writing to seek a remedy to this loud and disruptive activity. We approached the participants on three occasions and requested the volume be lowered, with no success. At this time we also inquired about speaking with the property owner or event organizer but were not given any information. It is unclear if the property owner was present and hosting the event or allowing the group to use the location.

Items that need immediate attention:

1. Is this activity in violation of Town Ordinance 110 Noise?
2. Is the property zoned for such ongoing activities and are permits required?
3. Was a permit issued by the town for this three-day event?
4. Is the property owner aware of the activity and the disruption being caused?
5. Discussion at the next town board meeting, June 6, to review items #1-#4 and outline next steps.

Also attached are audio files representing the noise heard at our home throughout the weekend. This demonstrates the ongoing disruption we experienced.

This letter serves to inform the board and to request discussion at the June 6 town meeting. In the meantime, Elizabeth may be contacted at 917-573-3940 or via [elizabeth.Grund@gmail.com](mailto:elizabeth.Grund@gmail.com) with questions or comments.

Regards,  
Joan Toomey Grund  
Elizabeth Grund

cc. Town Supervisor

**Motion** by Supervisor Hogue second by Councilperson Landis requesting that attorney Johnstone draft a letter to be sent to the properties/owners to see if they are aware of what transpired on their property.

## **UNFINISHED BUSINESS**

**EMS Contract** – no updates, county is work on it.

**911 Numbering – Councilperson Ellsweig** – Attorney Johnstone will receive adjustment/ changes that were requested from the fire dept and town hall. Once that is done, a copy will be given to the fire dept contact with the state to see if everything is acceptable.

**Pool & Staffing – Councilperson Landis** –Due to lifeguards’ shortage and expenses the pool will not be open this season. **Motion** by Councilperson Ellsweig, seconded by Councilperson Budofsky to not open the pool this year. Vote: 4 ayes – 0 nay. Motion carried.

**LL#2 2024 “Amending Zoning Code bulk tables”** – Supervisor Hogue – would like to say that forestburgh is one of two towns that allow places of worship in every single district in town. Thirteen other towns do not and have more restrictions then us. Supervisor Hogue motion to move to do only part 1 and 2 of the Environmental Assessment Form.

## Short Environmental Assessment Form Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Proposed Local Law 2 of 2024			
Project Location (describe, and attach a location map): Town of Forestburgh			
Brief Description of Proposed Action: Amendments to its Zoning Code Table of Use and Bulk Requirements modifying certain bulk standards related to "Places of Worship".			
Name of Applicant or Sponsor: Town of Forestburgh Town Board		Telephone:	
Address: 332 King Road		E-Mail:	
City/PO: Forestburgh		State: NY	Zip Code: 12777
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<del>2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:</del>		<del>NO <input type="checkbox"/></del>	<del>YES <input type="checkbox"/></del>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		<input type="checkbox"/>	<input type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		<input type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		<input type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Daniel S. Hogue, Jr.</u> Date: <u>June 6, 2024</u>		
Signature: _____ Title: <u>Town Supervisor</u>		

**PRINT FORM**

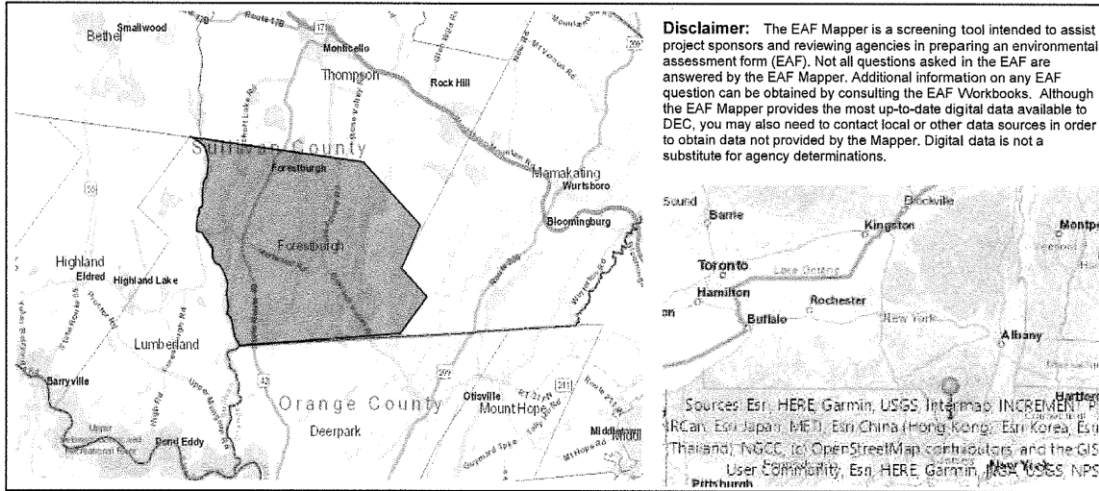
## EAF Part 1 Narrative Description

The Town Board seeks to amend the Town Zoning Code Table of Use and Bulk Requirements modifying certain bulk standards related to “Places of Worship.” Under the Zoning Code, the Town is divided into two residential districts (Residential Recreation District [RR] and Rural Conservation District [RC]) and three business districts (Neighborhood Business District [B-1], Gateway Business District [B-2], and Four Corners Business District [B-3]). Each zoning district includes “Place of Worship” as an allowable use. “Place of Worship” is defined as “[a]ny structure used for worship or religious instruction including but not limited to a church, chapel, mosque, or synagogue and including administrative rooms accessory thereto” (Town Code § 180-3). If approved, the proposed local law will amend the Table of Use and Bulk Requirements as follows:

- RR District: reduce the side yard requirement for Place of Worship from 200 feet (ft) to 50 ft; reduce the rear yard requirement for Place of Worship from 200 ft to 100 ft.
- RC District: reduce the side yard requirement for Place of Worship from 200 feet ft to 50 ft; reduce the rear yard requirement for Place of Worship from 200 ft to 100 ft.
- B-1 District: reduce the lot area requirement for Place of Worship from 5 acres to 1.5 acres; reduce the lot width requirement for Place of Worship from 200 ft to 150 ft; reduce the front yard requirement for Place of Worship from 75 ft to 25 ft; reduce the side yard requirement for Place of Worship from 200 feet ft to 50 ft; reduce the rear yard requirement for Place of Worship from 200 ft to 50 ft.; reduce the accessory structure front setback for Place of Worship from 75 ft to 50 ft; increase the lot coverage requirement for Place of Worship from a maximum 30% coverage to allow for 40% coverage.
- B-2 District: reduce the lot area requirement for Place of Worship from 5 acres to 1.5 acres; reduce the lot width requirement for Place of Worship from 200 ft to 150 ft; reduce the front yard requirement for Place of Worship from 75 ft to 25 ft; reduce the side yard requirement for Place of Worship from 200 feet ft to 25 ft; reduce the rear yard requirement for Place of Worship from 200 ft to 25 ft.; reduce the accessory structure front setback for Place of Worship from 75 ft to 50 ft; increase the lot coverage requirement for Place of Worship from a maximum 30% coverage to allow for 40% coverage.
- B-3 District: reduce the lot area requirement for Place of Worship from 5 acres to 1.5 acres; reduce the lot width requirement for Place of Worship from 200 ft to 150 ft; reduce the front yard requirement for Place of Worship from 75 ft to 25 ft; reduce the side yard requirement for Place of Worship from 200 feet ft to 25 ft; reduce the rear yard requirement for Place of Worship from 200 ft to 25 ft; correct the accessory structure rear setback for Place of Worship from 200 ft to 25 ft (note: this change is a correction from a typographical error in the table); increase the lot coverage requirement for Place of Worship from a maximum 30% coverage to allow for 40% coverage.

Other than the above changes, no other changes are proposed for the Table of Use and Bulk Requirements. No environmental resources are expected to be impacted by the proposed amendment.

## EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

**Agency Use Only [If applicable]**

<b>Project:</b>	Proposed Local Law 2 of 2024
<b>Date:</b>	June 6, 2024

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

**Re-do Resolution Recognizing private road naming –**

**AMENDED RESOLUTION**

**E-911 Road Naming- “STURDEVANT WAY”**

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**WHEREAS**, The Town Board of the Town of Forestburgh has received a request to name a private driveway/road effecting tax parcels 38.-1-15.1; 38.-1-15.41; and 38.-1-15.43, a copy of a map of said private driveway/road and the common driveway agreement is attached hereto and made a part hereof, and

**RESOLVED**, that the Town Board of Forestburgh hereby approves the request to name the private driveway/road located off of Hartwood Club Road leading to tax parcels 38.-1-15.1; 38.-1-15.41; and 38.-1-15.43 “Sturdevant Way”.

Resolution motion made BY: Councilperson Ellsweig

Seconded BY: Councilperson Budofsky

**ROLL CALL:**

Supervisor Daniel S. Hogue, Jr.	Aye
Councilmember Steven Budofsky	Aye
Councilmember Karen Ellsweig	Aye
Councilmember Vincent Galligan	Absent
Councilmember Susan Parks-Landis	Aye

Dated June 6, 2024

**NEW BUSINESS**

**JULY MEETING - Motion** by Supervisor Hogue, seconded by Councilperson Landis to cancel July 2024 regular meeting. Vote: 4 ayes – 0 nay. Motion carried

**Decommissioning agreement for 2830 SR42 Solar project**

TOWN OF FORESTBURGH  
TOWN BOARD RESOLUTION

AUTHORIZING AND APPROVING THE DECOMMISSIONING  
AGREEMENT BY AND AMONG THE TOWN OF FORESTBURGH,  
NY FORESTBURGH I, LLC AND 2380 STATE ROUTE 42, LLC;  
APPROVING THE FORM OF FINANCIAL SECURITY; AND  
AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER  
THE DECOMMISSIONING AGREEMENT

*WHEREAS*, by resolution dated March 26, 2024 (“PB Resolution”), the Town of Forestburgh Planning Board approved the Application, dated November 10, 2023 of NY Forestburgh I, LLC (“NYFI”) for a Special Use Permit and approval of a site plan prepared by P.W. Grosser Consulting, Inc., dated November 8, 2023 (last revised on January 5, 2024) (“Site Plan”) and authorized issuance of a Special Use Permit for a proposed large-scale ground mounted solar energy system (“Solar Energy System”) on a 59.53-acre parcel of land located at 2380 State Route 42 in the Town of Forestburgh (“Town”), in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and

*WHEREAS*, a condition included in the PB Resolution was as follows:

“5. Decommissioning Agreement. Prior to issuance of a building permit the owner of the solar energy system shall enter into a Decommissioning Agreement with the Town consistent with Town Code §138-14(F) and post financial security as required under Town Code §138-14(H). Non-compliance with the Decommissioning Plan or failure to maintain the required security shall be a violation of the special use permit.”; and

*WHEREAS*, NYFI has provided the Town with a draft of the Decommissioning Agreement, the form of which has been reviewed and approved by the Town Attorney; and

*WHEREAS*, NYFI has provided the Town with a proposed form of Bond (“Bond”) to be posted as financial security for performance of the Solar Energy System’s owners obligations under the Decommissioning Agreement.

*NOW, THEREFORE, BE IT RESOLVED*, that the Town Board approves the Decommissioning Agreement; and, be it further

*RESOLVED*, that the Town Board approves the form of financial security; and, be it further

*RESOLVED*, that any changes in the form of the Bond shall be subject to the written approval of the Supervisor and Town Attorney; and, be it further

*RESOLVED*, that the Town Board authorizes the Supervisor to execute the Decommissioning Agreement.

**Voting Results**

Motion to Approve: Board Member : Councilperson Ellsweig  
Second by: Board Member : Councilperson Landis  
Roll Call Vote:

Daniel S. Hogue, Jr., Supervisor	Yes
Karen Ellsweig, Councilperson	Yes
Steve Budofsky, Councilperson	Yes
Susan Parks-Landis, Councilperson	Yes
Vincent C. Galligan, Jr., Councilperson	Absent

Adopted by Resolution on the 6th day of June 2024.  
By Order of the Forestburgh Town Board

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**EV charging stations of Town Hall** – Town board motion that they are willing to hear their proposal and see what they have to offer.

**Townhall Dead Trees** – Town board agreed that Supervisor Hogue can look into having someone to cut down several dead trees at townhall.

**REPORTS – BOARD MEMBER COMMENTS**

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

**PLANNING BOARD REPORT – Richard Robbins** - At our regular meeting, there was one item on our agenda. A social group business that is seeking a special use permit and a site plan approval for an event space. It's a complicated application because it's going to require a number of variances to be granted. On preliminary vote by the board, five say that with the information we have thus far, it doesn't seem to fit into the criteria, and one believes it did. I think first they are going to have to go to the zoning Board of Appeals for those variances and perhaps modify their business plan to fit into the criteria of the law. Our next meeting on June 25 will need to be changed to June 24<sup>th</sup> because of the primary election day. We also received an application for a 2 lot subdivision (4 ½ acres) of a 20 acre parcel. That will be at our next meeting on June 24<sup>th</sup>.

**FIRE DEPARTMENT- James Galligan** – thank you everyone for supporting our pancake breakfast.

**Town of Forestburgh**  
Highway Department  
1401 Sackett Lake Road, Forestburgh, NY 12777  
Phone (845) 794-8069 – Fax (845) 794-0360  
Email: forestburghhighwaydepartment@gmail.com

**June 2024 – HIGHWAY REPORT**

**Summer Hours**

June 3<sup>rd</sup> to start summer hours which is 4 – 10hr days

**Roads**

Looking to pave road Plank B from the Thompson line to Rod & Gun Rd in the month of June or Plank Rd A from the boat ramp to Mill Rd

**Mowing**

We have already started to mow around the Town

**Thank You**



**Highway Superintendent**

**ADJOURNMENT INTO EXECUTIVE SESSION** – MOTION by Supervisor Hogue, to enter into executive session and invite Attorney Johnstone for the purpose of the Lost Lake litigation at 7.07 p.m. Enter into executive session at 7.20 p.m.

No action taken.

**ADJOURNMENT** – MOTION by Supervisor Hogue to adjourn at 7.43 p.m.

Respectfully submitted,

Teresa Collins,  
Town Clerk