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February 11, 2025

Town of Forestburgh
Planning Board
332 King Road
Forestburgh, NY 12777

Attn: Richard Robbins, Chairman

Re: Trips 2 Win LLC
Blackbrook Clubhouse Barn
143 Forestburgh Road
SBL #33-1-20

Dear Chairman Robbins,

Bob Sipos, representing Trips2WinLLC, and myself attended last evening's town ZBA meeting. A public hearing was scheduled on the five (5) Area Variances originally determined necessary to receive prior to your board making a determination on Site Plan review and Special Use. These included:

1. Reduction in parcel size from 5.0 acres required to 3.3 acres.
2. Reduction in side yard setback for existing barn building from 100' required to 7'.
3. Reduction in front yard setback for existing barn building from 75' required to 65'.
4. Bathhouse front yard setback from 75' required to 60'.
5. Existing accessory bathhouse intrudes 5' further into front yard than the primary barn building.

Subsequent to our making application to ZBA for these variances, it was determined that the subject parcel, being a pre-existing, non-conforming lot regarding size and yard setbacks, was regulated by town Zoning Section 180-12(B) "Non-conforming Lots". This section permitted a reduction in bulk and yard requirements to no less than 50% of the listed zoning requirements in the bulk table; subject to meeting four (4) criteria, including:

- 1- Proposed use of building is in conformance with zoning, town code and other regulations.
- 2- Proof lot existed in separate ownership prior to date it became non-conforming (i.e. – prior to November 2023).
- 3- Owner of subject parcel does not own adjoining property.
- 4- If found necessary, a sewage disposal system could be placed on parcel.

Please see my attached letter to Chairman Amaditz of February 4, 2025, which further details the above.

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The zoning board agreed that these criteria were conformed with, which allowed a reduction for the lot size from 5 acres to 2.5 acres, in the side yard setback from 100' to 50'; and in the front yard setbacks from 75' to 37.5'.

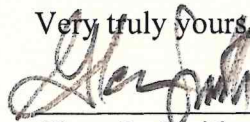
This action eliminated the need for three (3) variances for lot size, barn front yard and bathhouse front yard setbacks, leaving only the barn side yard setback variance and bathhouse being closer to road than barn variance.

Several neighbors spoke in favor of this project, after which the public hearing was closed. The board subsequently resolved to approve the two remaining variances.

In that regard, it would be appreciated if this matter could be scheduled for continued review at the February 25, 2025 planning board meeting.

Thank you for your consideration.

Very truly yours,



Glenn L. Smith, P.E

GLS/mdc

cc: Robert Sipos
Javid Afzali



February 4, 2025

Town of Forestburgh
Zoning Board of Appeals
P.O. Box 114
Forestburgh, NY 12777

Attn: Carl Amaditz, Chairman

Re: Trips2Win LLC
Social Venue Barn Clubhouse on Black Brook
Fowlerville, SBL #33-1-20

Dear Chairman Amaditz,

I wanted to address a section of town zoning regulations pertaining to the above-noted project that is scheduled for a public hearing to review five (5) requested Area Variances on February 10, 2025.

The Trips2Win LLC clubhouse parcel is currently a Non-Conforming Lot as defined in town zoning regulations Section 180-3, "Definitions and Word Usage".

Zoning Section 180-12(B)(1) states that "A building or structure may be erected on a non-conforming lot of record, provided that..." which continues with four (4) criteria that if complied with, allows bulk and yard requirements for the lot to be reduced to no less than 50% of the requirements for the district in which it is located.

The four criteria and their status regarding this project are as follows:

(a) The proposed use of such building or structure is in accordance with all other applicable provisions of this chapter, the Town Code and other laws, rules and regulations;

Response: The proposed "clubhouse" use as confirmed by the ZBA Interpretation hearing in August 2024 conforms with applicable regulations. No Use Variances are required

(b) Proof that the lot existed in single and separate ownership since before the date on which it became nonconforming is submitted to the Building Inspector;

Response: Sullivan County Property Tax Records reference sale of the subject lot in its current size of 3.3 acres on November 29, 2005. The minimum lot size for parcels in the former RR-1 Zone was 2.3 acres (100,000 s.f.) until adoption of the current zoning in November 2023, at which time it increased to 5.0 acres and became non-conforming.

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(c) The owner does not own adjoining property. The Building Inspector may require an abstract of title to said lot, which shall be certified by an attorney or title company regularly doing such work in Sullivan County and shall contain a certification that, since the effective date of this chapter or the amendment thereto which renders the lot nonconforming, no contiguous property is or was ever owned by an owner of the subject lot;

Response: The subject lot SBL #33-1-20 fronting on the Forestburgh Road is owned by a corporate entity "Trips2Win LLC", 798 Forestburgh Road, Glen Spey, N.Y.

The adjoining separate lot on the opposite side of Black Brook, SBL #33-1-19, fronting on Plank Road is owned by William B. Sipos, 21 Valley Road, Forestburgh, N.Y.

The two separate ownership names, one corporate and one individual, should address the issue of both properties not being in the same ownership.

(e) If required, a sewage disposal system meeting New York State standards can be placed on the lot should public facilities be unavailable.

Response: A septic system has been designed and shown on the plans, reviewed by the planning board, which complies with NYSDOH and NYSDEC design standards and easily fits on the property while meeting all setbacks. Since estimated wastewater flows are less than 1,000 gpd, a SPDES permit from NYSDEC is not required.

The five (5) Area Variances to be considered by your board include:

- 1) Lot size reduction from 5 acres required to 3.3 acres provided.
- 2) Barn side yard setback reduction from 100' required to 7' provided.
- 3) Barn front yard setback reduction from 75' required to 65' provided.
- 4) Bathhouse front yard setback reduction from 75' required to 60' provided.
- 5) Bathhouse as accessory building is closer to road frontage than primary barn building.

By reducing the "required" bulk and yard requirements by 50% subject to complying with the above four criteria, then:

- minimum lot size required would be 2.5 acres vs. 3.3 acres, provided,
- the barn side setback would be 50' required vs. 7' provided,
- the barn front setback would be 37.5' required vs. 65' provided,

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- the bathhouse front setback would be 37.5' required vs. 60' provided,
- the bathhouse accessory building would remain closer to the road frontage than the barn building.

This modification results in only the barn side yard setback being deficient; and the accessory bathhouse intruding into the front yard closer than the barn.

It would be appreciated if this matter could be discussed with your board at next week's hearing and possibly implemented to reduce the number of variances required.

Thanks for your consideration.

Very truly yours,

Glenn L. Smith, P.E

GLS/mdc

cc: Robert Sipos
Javid Afzali