

**TOWN OF FORESTBURGH PLANNING BOARD**  
**DRAFT Meeting Minutes**  
**March 24, 2026**

After a public hearing, the meeting was called to order at 7:01pm by Vice Chairman Anthony Cardoso at the Town Hall in Forestburgh.

Members Present: Katherine Barnhart  
Anthony Cardoso – Vice Chairman  
Alan Devlin  
Susan Hawvermale  
Arthur Leaney-Levenson

Absent: Richard Robbins - Chairman

Town Attorney: Javid Afzali

Town Engineer's Representative: Tim Gottlieb

Recording Secretary: Billie Jean McGinnis

**Approval of Minutes**

The minutes from last month's Public Hearing for site plan and special use permit for Grand Luxury Retreat were reviewed.

Motion made by S. Hawvermale to approve the minutes as drafted. Seconded by K. Barnhart.  
Vote: All in favor.

The minutes from the last meeting were reviewed.

Motion made by S. Hawvermale to approve the minutes as amended. Seconded by A. Devlin.  
Vote: All in favor.

**Public Comment on Applications on the Agenda**

There were no comments.

**Kaiser**

This is a sketch plan review. Gillian Kaiser presented. She currently has a business in her home for personal safety training. The insurance has kicked it back because they don't want people sleeping in a building where pepper spray is used. They want to amend the permit from home use to school use under a special use permit. They are not making any changes to the property, just amending from a home use to school use permit. They want to know what's involved before they move forward.

A. Cardoso explained that this is the RR district which does allow school use under a special use permit. He reviewed definitions from the Town Code. The retail accessory use is not really a retail store. It's the books and materials used for the classes. An interpretation may be needed from the ZBA. They'll also need to go before the ZBA for a variance because the lot is under 5 acres. The Board agreed that the ZBA or Building Department needs to get involved for an interpretation.

Ms. Kaiser explained that they have personal safety training. The retail includes bows, knives, pellet guns, no live ammunition and is only open during a class. They plan to maintain the current schedule but may add some given the need. Classes are tailored to meet the needs of the individual. They currently have three lecture classes per month for approximately 10 individuals. The materials for the class are housed in the accessory building. They follow state regulations for the sale of pepper spray and pellet guns etc. They are not looking to expand, just change the use. No one will be living in the building. Parking already exists for approximately 8 vehicles.

T. Gottlieb reviewed approvals that may be needed because it's public use. Site plan, topography and a 239 review will be needed along with our site plan review.

J. Afzali explained that the list of accessory use is not exhaustive. The applicant can ask the Building Inspector for an interpretation for the retail as a secondary use and then may need to go to the ZBA depending on the answer.

The Board answer several questions from the applicant about the application process. There's a concern for the timber rattlesnake but since there's no development, there should not be a disturbance.

### **Eagle Creek Renewable Energy**

Rebecca Vicaretti-Serrano presented on behalf of the applicant. They current system uses wood stave penstock and was built in the 1900s. They want to change out and use fiberglass reinforced polymer penstock between the Mongaup Falls dam and the surge tank.

They received the FERC license amendment. There are concerns for endangered species such as rattlesnakes and the bald eagle. There are nests identified close to the disturbance area. They're trying to rework the plans to avoid the 330 foot radius. They don't want to adversely affect them.

T. Gottlieb stated that they've addressed all of his comments.

They're in position to schedule a public hearing. Board members can come to the Town Hall to review the plans. Notice will need to be given and a sign posted on the property. They are not looking for a waiver of public comment, just wanted to note the confidential nature of the plans. T. Gottlieb noted that the Town of Lumberland will also need to be notified.

Motion made by S. Hawvermale to schedule a public hearing for April 28, 2026 at 7:00pm.  
Seconded by A. Leaney-Levenson.  
Vote: All in favor.

### **Birchwood Estates/40 Rod & Gun Club Road**

This is a sketch plan review to subdivide vacant land into 29 lots on Rod & Gun Club Road. Ken Osworth of Keystone Associates presented. They're interested in the Board's opinion on the layout. T. Gottlieb's report shows that the cul-de-sac limit is 800 feet and they're currently at 1320 feet. Other town's offer a variance or an opinion on whether that's too long or they want it cut back. He also acknowledged the need for a perc test, SWPPP and DOH approval for septic systems. A 239 review will need to be done and a wetland delineation. He's looking for general thoughts from the Board and what needs to be seen before declaring lead agency.

A. Cardoso asked if this is a size that would require central septic. T. Gottlieb explained that this is required for over 50 lots. Birchwood Estates in the Town of Thompson has central septic.

A. Leaney-Levenson asked for the map to be up to date. The numbers are not correct. He also asked for the last project to be completed. Trees were to be planted and have not been. They put in new trees but then updated the sewer system. Mr. Osworth was not aware of this.

A. Cardoso stated that Birchwood Estates in Town of Thompson is not shown on the map. There was questions as to where the ball field is from a previous application. This is needed with a full application. Mr. Osworth has maps showing the previous 3 lot subdivision but doesn't know if it was built in accordance with the the other Birchwood Estates. That can all be included with an additional submission. A. Cardoso stated that the full plan must be shown to help with orientation. Additionally, the ball field and house must be shown. The house from the previously approved applicant ion has not been built yet.

K. Barnhart asked if this is related to the other Birchwood Estates because we may need to treat is as a major subdivision to avoid segmentation. The Board would need the full subdivision plan. There's a lot more property to develop. The Board may have questions about the development of that property. We may need to see future development plans. If you went above 50, this is a different project. Mr. Osworth agreed.

A. Leaney-Levenson asked if the new property would be using the old properties amenities. Mr. Osworth stated that there is recreation facility for these 29 lots. A. Cardoso asked if they'll be part of Birchwood Estates and use their amenities too? A. Leaney-Levenson has concerns about the amount of golf cart traffic. There have been many close call accidents on the road. A. Cardoso stated that if they are integrated with the property in Town of Thompson, they may want to consider off-road gravel paths to get around, possibly a bridge over the road for pedestrians. There is heavier traffic in the summer time with trucks pulling large boats.

S. Hawvermale asked if they are planning on selling the lots. Mr. Osworth stated that it was presented as fee simple lots. They're not necessarily constructing on all the lots.

Mr. Osworth asked where the golf carts are going. There is damn down the road that they go to. They had drawings in for a roadway and bike trails but they weren't constructed. A. Leaney-Levenson said they use the ball field and there's a large septic for a house that has not been built yet. The house for that lot was approved but not built.

A.Cardoso stated that if this project is part of the existing Birchwood Estates, there should be a safe method of crossing the road since a large amount of amenities are across the road. He suggested a cross walk or foot bridge.

S. Hawvermale asked if there is a homeowners association. Mr. Osworth stated that it was presented to him as fee simple lots. So it's not like a development. He will ask his client.

A.Cardoso stated that if there's a HOA, this needs to be included with the application.

A.Leaney-Levenson asked if they will have their own maintenance crews. What about garbage collection. They currently throw trash into a bin and hope the animals don't get it.

S. Hawvermale stated that we really need to know if this is going to be a separate entity from the other homes before we can proceed. Mr. Osworth doesn't know the background of the project and doesn't know if they're part of the other Birchwood Estates.

T. Gottlieb asked if they'll have public or private roads. Mr. Osworth stated that they're set up as private roads but built to town standards in case they want to switch over. He asked how the Town feels about picking up other roads for maintenance. A. Cardoso stated that this Board doesn't have an answer for that. S. Hawvermale indicated that if they're private roads, it sort of indicates an HOA. Birchwood Estates is all private roads.

A.Cardoso asked Mr. Osworth to touch base with the fire department about the long roads with a cut-de-sac. They may need a hammerhead and another entrance.

A.Cardoso asked if they'll have private septic. Mr. Osworth stated they'll have individual wells and septics.

Mr. Osworth stated it's a well made point that it still could be an association with private ownership, they still would want to have some kind of uniformity. They would want the houses to look the same, colors and textures etc.

A.Cardoso asked to include deed restrictions. We want to maintain forested buffers along the roads. This could be a condition to have landscape screening. If any clearing is to be done, it shouldn't be done near the road.

A.Cardoso stated that if these projects are integrated, they application will require more information than if it's not. Mr. Osworth wonders what the plan is for the rest of the vacant property.

A. Leaney-Levenson stated that for endangered species, it's indicated as "none". There are nesting eagles in the pond. This needs to be identified.

Mr. Osworth thanked the Board for their comments. He'll contact Glenn Smith for his plans and figure out if these lots are part of Birchwood Estates.

**Other Business**

A. Cardoso stated that the Town is close to hiring an engineering firm to take over for Tim. That will be decided at the next Board meeting.

**Adjournment**

Motion made by S. Hawvermale to adjourn the meeting at 8:23pm. Seconded by A. Leaney-Levenson.

Vote: All in favor.

DRAFT