

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

PUBLIC HEARING UPON

**2024 Budget**

November 2, 2023

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  
Vincent Galligan, Councilman

Recording  
Secretary – Teresa Collins, Town Clerk

Others  
Present – Troy Johnstone, Attorney for the Town  
Richard Robbins, Planning Board Chair

**2024 BUDGET** – Public hearing held for the 2024 Budget, questions and comments on the budget were answered with regard to the budget.

MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to adopt the preliminary budget as presented as the budget for the Town of forestburgh for fiscal year 2024. Vote: 5 ayes –0 nays.  
Motion carried.

MOTION by Supervisor Hogue to close the public hearing at 6:05 p.m.

Respectfully submitted,

Teresa Collins  
Town Clerk

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, November 2, 2023**, at the town hall.

Supervisor Hogue called the meeting to order 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

Recording Secretary – Teresa Collins, Town Clerk

Others Present – Richard Robbins, Planning Board Chair  
Troy Johnstone, Esq. – Attorney for the town

#### **PUBLIC COMMENT**

Mr. Miller – to respect to the impact municipal services and staffing and things like that, is why you need an environmental impact statement to analyze fiscal impact or municipal impact. Another comment is that whatever impacts will be dealt with by the planning board which is something that is not permissible in SEQRA that is classic segmentation because you are looking at each application separately.

**MINUTES – October 5, 2023, regular meeting, and October 11 and 19 Budget workshop 2024, Minutes**  
MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig, to approve minutes.  
Vote: 5 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - #199-211 in the sum of \$13,758.36 as set forth in abstract #11 were audited for payment. MOTION by Councilperson Landis, seconded by Councilperson Budofsky, to pay the General Fund Vouchers. Vote: 5 ayes – 0 nay. Motion carried.

**HIGHWAY FUND VOUCHERS** - #111-116 in the sum of \$11,988.75 as set forth in abstract #11 were reviewed. MOTION by Councilperson Ellsweig, seconded by Councilperson Landis to accept the highway fund vouchers. Vote: 5 ayes - 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** – None

**CORRESPONDENCE** - None

#### **UNFINISHED BUSINESS**

**2024 Budget** - Motion to move to approve and adopt 2024 Budget.  
MOTION by Councilperson Ellsweig, seconded by Councilperson Landis.  
Vote: 5 ayes 0 nays. Motion carried.

## LL. Zoning Regulations –

Motion by Supervisor Hogue Adopting Negative Declaration Regarding SEQRA Determination of Significance 2023 Zoning Code Amendments and Rezoning. Vote: 5 ayes 0 nays. Motion carried.

Town of Forestburgh  
Negative Declaration Page 1 of 12

### TOWN OF FORESTBURGH - TOWN BOARD

#### RESOLUTION

**Regarding SEQRA Determination of Significance  
2023 Zoning Code Amendments and Rezoning  
Negative Declaration**

BE IT RESOLVED that the Town Board of the Town of Forestburgh adopts a SEQRA Negative Declaration determining that this Action will not have a significant adverse impact on the environment, as follows:

This Resolution is adopted pursuant to 6 NYCRR 617 (the SEQRA Regulations) and Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Forestburgh, as lead agency and sole involved agency, determines that the proposed Action described below will not have a significant adverse effect on the environment and an environmental impact statement will not be prepared.

**Name of Action:** 2023 Zoning Code Amendments and Rezoning

**Lead Agency:** Town Board of the Town of Forestburgh

**Involved Agencies:** None

**SEQR Status:** Type 1

**Interested Agencies:** Sullivan County Planning Commission, NYS Department of Agriculture and Markets, Town of Lumberland, Town of Thompson, Town of Mamakating, Town of Bethel

**Public Hearing:** June 6, 2023; September 27, 2023.

**Determination:** Negative Declaration

**Conditioned:** No

#### I. INTRODUCTION

##### Project Description

The Town of Forestburgh ("Town") Town Board seeks to amend Town Code Chapter 180 ("Zoning Code") and amend the Town Zoning Map as discussed herein. The current 2002 Zoning Code, as amended ("2002 Zoning Code") is attached as Appendix 1. The proposed amendments ("2023 Zoning Code") is attached as Appendix 2. The current Town Zoning Map is attached as Appendix 3. The proposed amended Zoning Map is attached as Appendix 4. Proposed Use Tables are attached as Appendix 5(A) – (E).

### **Background**

The Town established its first zoning ordinance in 1973. The 1973 Code codified the predominant land use at the time, which was Residential Recreational ("RR") and Rural Conservation ("RC"). A vast proportion of the Town was included in these two zoning categories. A third category of land use was later recognized and codified as "Business." In alignment with the actual land use at the time of enactment, several small business zones were created, enveloping areas where businesses operated.

The Town of Forestburgh made revisions to its zoning regulations in conjunction with the enactment of the 1988 Master Plan. While there have been some further minor revisions and additions in the intervening years, the Town's Zoning Code and zoning districts have remained unchanged since 1988.

The Town Comprehensive Plan was updated in 2017 which made several recommendations regarding revisions to the Zoning Code. The 2017 Master Plan recommends amending the Town Zoning Code and Zoning Map to better reflect the current needs and future vision of the Town of Forestburgh. These goals include: preserving the existing rural and natural character of the Town; promoting the development of commercial uses in Forestburgh that maintain and improve the quality of life in the Town; establishing commercial zoning regulations to ensure that Town goals are maintained; allow for growth and development through the use of innovative land use controls; promote eco-tourism opportunities within the Town; refine the purposes of the existing RC, RR, and Business Districts; and develop a more practical procedure for handling non-conforming uses and lots.

## **II. THE ACTION**

### **Zoning Code Amendments**

A detailed summary of all changes to the Zoning Code are set forth in Appendix 6 and include the following:

1. changes to administrative provisions related to Planning Board authority, Zoning Board of Appeals authority, definitions, and code enforcement provisions;
2. changes to allowable land uses within the Town; and
3. changes to procedural requirements related to land use applications (Article V through Article IX), general development and design standards (Article V), land use regulations and standards for specific land uses (Article VI), and regulation related to nonconforming uses, lots and structures (Article IV); and

In addition to the amendments to the Zoning Code, the Town Board's rezoning will impact 45 existing tax parcels totaling 158.76 acres identified in Appendix 7.

*Changes to Administrative Provisions*

Article I (General Provisions): The 2023 Zoning Code adds definitions for terms used in new provisions and removes several definitions for terms that are not referenced within the code. This is an administrative change intended to increase the understandability and interpretability of the code. The amendments also identify the new zoning districts.

Article IV (Mobile Homes): The amendments eliminate regulations related to mobile homes. Article IV in the 2023 Zoning Code sets forth regulations regarding non-conforming structures, lots, and uses (discussed below).

Article V (Planned Unit Development): Regulations relating to Planned Unit Developments were repealed in 2020 under Local Law 1 of 2020 and are no longer authorized. Article V in the 2023 Zoning Code sets forth regulations regarding general development and design standards (discussed below).

Article VI (Board of Appeals): Provisions related to Zoning Board of Appeals (“ZBA”) organization, authority, and board procedures were moved to Article VIII in the 2023 Zoning Code. Amendments include adding a provision for alternate board members, aligning the ZBA’s powers and duties to make it consistent with NYS Town Law Article 16, and modifying procedural requirements related to applications to the ZBA.

Article VII (Site Plan Approval and Special Use Permits): Article VII of the 2002 Zoning Code set forth development standards and application requirements for site plan approval and special use permits. The amendment renames Article VII (Planning Board) and consolidates Town Code Chapter 28 provisions related to Planning Board organization and authority. Amendments to Article VII also add regulations and procedural requirements specific to site plan review and special use permits. Provisions related to application fees, development standards, and variance applications in Article VII (2002) have been retained but moved to other Articles in the 2023 Zoning Code.

Article VIII (Amendments): Regulation regarding amendments to the zoning code were moved to a new Article XI in the 2023 Zoning Code. Additional review standards related to Planning Board advisory opinions were added. No other substantive changes were made.

Article IX (Interpretation and Penalties): Provisions regarding statutory interpretation were moved to Article I but were left otherwise unchanged. Regulation regarding enforcement and penalties was moved to a new Article X in the 2023 Zoning Code. Additional provisions regarding enforcement authority, building inspector responsibilities, violations, and penalties were added. Article IX in the 2023 Zoning Code now sets forth requirements regarding application fees and costs reimbursements.

The amendments make necessary changes to administrative provisions in the 2002 Zoning Code. No significant physical changes are likely to result from such changes. Nor will such changes result in significant adverse impacts on the environment.

**Changes to Allowable Land Uses**

**Residential Land Use:** The 2023 Zoning Code makes certain changes to the Residential-Recreation (“RR”) zoning district. The amendment retains single-family / two-family homes as a permitted use. The amendment also adds Group Care facilities as a permitted use. All other allowable uses under the 2002 Zoning Code will now require site plan approval (board homes / tourist homes, public utility facilities), a special use permit (agricultural activities, unless exempt), or have been eliminated.

The 2023 Zoning Code will result in the following material changes to the allowable uses in an RR district: (1) mobile home parks and sanitary landfill operations are no longer allowed in an RR district; and (2) daycare centers, kennels, solar energy systems, and indoor recreation facilities are allowed uses requiring a special use permit.

**Commercial Land Use:** The 2023 Zoning Code separates the current “Business District” into three new business district categories identified as “Neighborhood Business District” (B-1), “Gateway Business District” (B-2) and “Four Corners Business District” (B-3).

The proposed amendment will result in the following changes to allowable business uses: (1) daycare centers, offices, and places of worship will be allowable uses subject to special use permit in the B-1, B-2, and B-3 districts; (2) commercial indoor recreation uses will be allowed in the B-1 and B-2 districts subject to special use permit; (3) cannabis use subject to special use permit will be allowed in the B-1 and B-3 districts; (4) formula business, light impact industrial, and warehouse uses will be allowed subject to special use permit in the B-2 district; and (5) theaters will be allowed in the B-3 district, subject to special use permit requirements.

**Conservation Land Use.** The 2002 Zoning Code and Town Zoning Map identifies Rural Conservation (“RC”) as a zoning district. When originally adopted, RC district was intended to protect sensitive natural areas from overdevelopment while still allowing appropriate development. However, for reasons unknown, the 2002 Zoning Code does not include a list of allowable uses, bulk standards, or any other district standards for an RC district. The 2023 Zoning Code corrects this deficiency and allowable uses and bulk standards for the RC district are set forth in the Table of Uses.

**Parcel Rezoning**

The parcels to be rezoned are identified in Appendix 7. As discussed above, the proposed Zoning Code eliminates the current “Business District” and replaces it with a B-1 Neighborhood Business District, B-2 Gateway Business District, and B-3 Four Corners Business District.

Currently, there are five tax parcels designated as “Business District” parcels. The Town Zoning Map will be amended as follows.

Two parcels (27.-1-2.2 and 28.-1-11) are located on CR 49 near Eden Rd. and the municipal boundary with the Town of Mamakating. These parcels will be rezoned from Business to RR. Neither parcel appears to be used as a business use and this change will conform the zoning to current actual use.

Two parcels (6.-2-32 and 13.-1-4) are located on Rt 42 and at the cross sections of French Clearing Road and Rt 108 (Appendix 8). Forage Pizza is located on parcel 6.-2-32 and the Forestburgh General Store is located on parcel 13.-1-4. These parcels will be rezoned from Business to B-1. In addition, six adjacent parcels will be rezoned from RR to B-1, creating the Neighborhood Business District (Appendix 8).

The last parcel (6.-1-4.1) is located on Rt 42 and Dill Road on the municipal boundary with the Town of Thompson (Appendix 9). This parcel will be rezoned from Business to B-2. In addition, ten adjacent parcels will be rezoned from RR to B-2, creating the Gateway Business District (Appendix 9). One of these parcels (6.-2-36.41) is included in Sullivan County's Agricultural District 1 and will maintain its status as such (*see below*).

In addition, 24 parcels near the intersection of Route 42, Hartwood Road and Mill Road near the Forestburgh Playhouse will be rezoned from Business to B-3, creating the Four Corners Business District (Appendix 10).

It is important to note that there are no proposed or anticipated development projects seeking approvals under the new zoning district uses. Thus, the Action is limited to adoption of the 2023 Zoning Code and rezoning of the parcels identified in Appendix 7.

### **III. SEQRA ANALYSIS AND REASONS SUPPORTING THE DETERMINATION**

#### **A. General Considerations**

The zoning law amendments and parcel rezoning implement the Town's adopted Comprehensive Plan. All amendments are consistent with the goals and recommendations in the Comprehensive Plan and with best management practices. Some of the zoning code amendments are administrative changes intended to clarify or interpret existing provisions, resulting in no impact on the environment. Comments from the Sullivan County Planning Commission (Appendix 11), public comments (Appendix 13) and advisory comments from the Town Planning Board (Appendix 14) and the have been considered and addressed. All relevant areas of environmental concern are identified in the SEQRA Long Environmental Assessment Form ("EAF") Part 2 and addressed herein. The proposed Action will not result in any adverse environmental impacts, based on the following:

#### **B. Environmental Assessment Form Part 2 - Relevant Areas of Environmental Concern**

The Town Board evaluated all 18 sections of Part 2 and identified that the proposed action may have a moderate impact on agricultural resources (EAF Part 2 Question 8), and a moderate impact resulting from changes with existing land uses (EAF Part 2 Item 17).

##### 1. EAF Part 2 Item 8 - Impacts on Agricultural Resources

Question 8 requires the Town Board to evaluate potential impacts on agriculture. Agricultural resources mean the land and on-farm buildings, equipment, manure processing and handling facilities and processing and handling facilities which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, a timber operation, compost, mulch or other biomass crops,

and commercial equine operation as defined in NYS Agriculture and Markets Law Article 25-aa. The Town Board recognizes that Section 305-a of the NYS Agricultural Districts Law protects farmers against local laws which unreasonably restrict farm operations located within an agricultural district.

The Town Board identified that the Action may result in increased development potential or pressure on agricultural lands (Question 8 [f]) and that the action will change allowable land uses that may impact agricultural lands (Question 8 [h]).

After a hard look, however, the Town Board has determined that based on available information, the Action will result in no significant adverse impacts on agricultural resources. Forestburgh has few agricultural uses or activities. The Town currently contains only one parcel (6.-2-36.41) located in Sullivan County Agricultural District #1 (Ag-1) and seven parcels (8.-1-1.16; 8.-1-1.12; 4.-1-10.14; 1.-1-1.7; 4.-1-10.1; 4.-1-10.6; and 4.-1-10.8) in District #4 (Ag-4), which are identified in Appendix 12.

In response to public comments (Appendix 13) and comments from the Sullivan County Ag & Farmland Protection Board (Appendix 11), regulations related to agriculture in the 2023 Zoning Code (§ 180-19) and bulk and area standards for each zoning district were revised exempting parcels designated as an Ag-1 or Ag-4 district from special use permit requirements. These changes were made so that new land use regulations do not unreasonably restrict existing farm operations. Moreover, to the extent that parcels designated as an Ag-1 or Ag-4 district face increased development potential or pressure as a result of additional allowable uses, such impacts would be addressed, avoided, or mitigated during the special use application process now required for nearly all non-residential or non-agricultural uses.

## 2. EAF Part 2 Item 17 – Consistency with Community Plans

Question 17 requires the Town Board to evaluate whether the Action may result in a material conflict with a community's current plans or goals as set forth in the Town's Comprehensive Plan. As the Action seeks to amend existing zoning laws and rezone certain parcels, the Town Board has undertaken a hard look at this issue.

The Town's Comprehensive Plan provides guidelines for future growth and changes to zoning regulations. These guidelines include (1) conservation of natural, ecological, historic and scenic; (2) properly regulated and soundly built development of housing, business, and community facilities within the Town; (3) promoting the development of commercial uses that maintain and improve the quality of life in the Town; (4) establishing commercial zoning regulations to insure that Town goals are maintained; and (5) maintaining a balanced and equitable tax base.

### *(i) Residential Districts*

The Town's existing residential districts (RR and RC) will continue to serve the Town's residential population.

The RR district uses have been amended to allow low-density residential development and appropriate non-residential uses. The amendment retains single-family / two-family homes as a

permitted use while also adding Group Care facilities into this category. A “Group Care Facility” is defined a “home set up in size, appearance and structure to bear the general character of a family unit in a relatively permanent household” with certain licensing requirements and occupancy restrictions. Given that Group Care facilities are required to look similar to other residential dwellings, allowing these uses as of right will have a negligible (if any) impact on the RR district. The 2023 Zoning Code adds daycare centers, kennels, indoor recreation facilities, and solar energy systems as special permit uses in an RR district. Impacts from such uses are avoided or mitigated by the applicable bulk area standards that require large lot sizes and significant setbacks. The 2023 Zoning Code no longer allows mobile home parks and sanitary landfill operations in an RR district. While material, this change is more protective of the environment and the existing community character.

While the 2002 Zoning Code and Town Zoning Map identifies Rural Conservation (RC) as a zoning district, allowable uses, bulk standards, or other district standards for the RC district were never established. The 2023 Zoning Code corrects this deficiency and allowable uses and bulk standards for the RC district are set forth in the Table of Uses. Like the RR district, the only uses allowed as of right are single-family / two-family homes and Group Care facilities. All other allowed uses will now require site plan approval, a special use permit, or both.

Impacts from such uses are avoided or mitigated by the applicable bulk area standards that require large lot sizes and significant setbacks, and controlled by the Planning Board during the special use / site plan application process.

It should be noted that the Comprehensive Plan also suggests establishment of a “Residential Settlement District” to address pre-existing non-conforming uses and recommends that development standards within this district should be comparable to the existing Residential Recreation District excepting that building size and lot coverages should be limited (2017 Comprehensive Plan at 37, 41). While the Town Board has elected to not follow this guidance and establish a Residential Settlement District at this time, the 2023 Zoning Code still implements the intent of the Comprehensive Plan by incorporating robust new regulations regarding non-conforming uses (Article IV). Additionally, the Town’s amended subdivision law includes provisions for conservation subdivisions which also implements the intent of settlement districts (Town Code Chapter 148 [§ 148-18 (D)] [stating “[a] conservation subdivision accomplishes the purposes set forth above by reducing the generally applicable minimum lot size and bulk requirements of the Town zoning law for the district in which the property is located”]).

(ii) *Commercial Land Use*

Under the 2002 Zoning Code, there are five tax parcels designated as “Business District” parcels located in three different areas in the Town (*see* Appendix 7).

The first area is in Oakland Valley along County Road 49 near Eden Rd. and the municipal boundary with the Town of Mamakating. The second area is on the west side of Route 42 at the southern intersection with Dill Road on the municipal boundary with the Town of Thompson. Finally, the third area is at the intersection of Route 42 and French Clearing Road and consists of property on both sides of Route 42.

As discussed above, the 2023 Zoning Code eliminates the current “Business District” and replaces it with a B-1 Neighborhood Business District, B-2 Gateway Business District, and B-3 Four Corners Business District.

The Business District located on CR 49 near Eden Rd. and the municipal boundary with the Town of Mamakating containing two parcels (27.-1-2.2 and 28.-1-11) will be rezoned from Business to RR. Neither parcel appears to be used as a business and this change will conform the zoning to current actual use.

The Business District located on Rt 42 and Dill Road on the municipal boundary with the Town of Thompson (Appendix 9) containing one parcel (6.-1-4.1) will be rezoned from Business to B-2. In addition, ten adjacent parcels will be rezoned from RR to B-2, creating the Gateway Business District (Appendix 9). One of these parcels (6.-2-36.41) is included in Sullivan County’s Agricultural District 1 and will maintain its status as such (Appendix 12).

The Business District located on Rt 42 and at the cross sections of French Clearing Road and Rt 108 containing two parcels (6.-2-32 and 13.-1-4) will be rezoned from Business to B-1. In addition, six adjacent parcels will be rezoned from RR to B-1, creating the Neighborhood Business District (Appendix 8).

Finally, 24 parcels near the intersection of Route 42, Hartwood Road and Mill Road near the Forestburgh Playhouse will be rezoned from Business to B-3, creating the Four Corners Business District (Appendix 3). This area already includes community facilities Forestburgh Theater and its accessory use - a tavern.

Under the 2002 Zoning Code, the Business District authorizes retail and service stores, eating and drinking establishments, offices, funeral homes, motor vehicle service stations, and all “permitted uses” and “accessory uses” enumerated in the RR district. The current Zoning Code does not incorporate or otherwise include any of the non-residential uses identified as “special uses” in the RR district as allowable uses in the existing Business district. As a result, there are more commercial uses allowed in the RR district than in the Business district. This omission makes the 2002 Zoning Code inconsistent with the Town’s comprehensive plan, which contemplates business activities to be allowable uses in business districts, and inconsistent with actual land use within the Town.

The 2023 Zoning Code corrects a material error in the 2002 Zoning Code which fails to incorporate most of the customary commercial uses into three business districts. The proposed amendment will also result in the following changes to allowable business uses: (1) daycare centers, offices, and places of worship will be allowable uses subject to special use permit in the B-1, B-2, and B-3 districts; (2) commercial indoor recreation uses will be allowed in the B-1 and B-2 districts subject to special use permit; (3) cannabis use subject to special use permit will be allowed in the B-1 and B-3 districts; (4) formula business, light impact industrial, and warehouse uses will be allowed subject to special use permit in the B-2 district; and (5) theaters will be allowed in the B-3 district, subject to special use permit requirements.

Impacts from such uses are avoided or mitigated by the applicable bulk area standards that require appropriate lot sizes and setback, and any specific impacts from future development would be controlled by the planning Board during the special use application process.

Based on the above and after a hard look the Town Board has determined the Action will not result in a material conflict with a community's current plans or goals as set forth in the Town's Comprehensive Plan.

### **C. Other Potential Areas of Environmental Concern**

Based on the foregoing, the public comments (Appendix 13, 14) and the administrative record as a whole, the adoption of the 2023 zoning amendments will not result in any of the below impacts. All potential impacts discussed below were considered and found to be not relevant, not significant, or would otherwise be avoided and mitigated by the land use restrictions and requirements incorporated into the 2023 Zoning Code.

1. The action will not result in substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems under § 617.7 (c) (1) (i). The 2023 Zoning Code adopts land use regulations and controls that are protective of the environment. To the extent any future development may have the potential for impacts to air quality, ground or surface water quality or quantity, traffic, or noise levels; solid waste production; erosion, flooding, or other geologic impacts, 2023 Zoning Code mitigates against such impacts by adopting appropriate land-use restrictions and subjecting such development projects to site plan review and/or special use permits, including the appropriate project-specific SEQRA review.
2. The action will not result in substantial adverse impacts on vegetation or fauna; fish or wildlife species; significant habitat area; threatened or endangered species of animal or plant; other natural resources under § 617.7 (c) (1) (ii). The 2023 Zoning Code adopts land use regulations and controls that are protective of fauna, flora, and any protected habitat. To the extent any future development may have the potential to impacts these resources, 2023 Zoning Code mitigates against such impacts by adopting appropriate land-use restrictions and subjecting such development projects to site plan review and/or special use permits, including the appropriate project-specific SEQRA review.
3. The action will impair environmental characteristics of critical environmental areas under § 617.7 (c) (1) (iii). The Town Board did not identify any critical environmental areas within Town boundaries (Appendix 15).
4. The action will not create a material conflict with a community's current plans or goals under § 617.7 (c) (1) (iv). As discussed in detail above, Town Board has determined the Action aligns existing land uses and community goals with new zoning regulation and as such will not result in a material conflict with the Town's Comprehensive Plan.
5. The action will not result in substantial adverse impacts on historical, archeological, architectural, or aesthetic resources; neighborhood character under § 617.7 (c) (1) (v). The 2023 Zoning Code adopts strict land use regulations and controls that are protective to these resources.

To the extent any future development may have the potential to impact these resources, the 2023 Zoning Code mitigates against such impacts by adopting appropriate land-use restrictions and subjecting such development projects to site plan review and/or special use permits, including the appropriate project-specific SEQRA review.

6. The action will not result in major change in the use of either the quantity or type of energy under § 617.7 (c) (1) (vi).
7. The action will not create a hazard to human health under § 617.7 (c) (1) (vii).
8. The action will not result in substantial adverse impacts on agricultural, open space or recreational resources and land use changes will not result in substantial adverse impacts under § 617.7 (c) (1) (viii). As discussed above, the Town Board has determined that the Action adequately protects agricultural resources and does not unreasonably restrict agricultural activities, and as such, will result in no significant adverse impacts on agricultural resources.
9. The action will not encourage or attract a large number of people to a place or places for more than a few days § 617.7 (c) (1) (ix).
10. The action will not create a material demand for other actions that would result in one of the above consequences under § 617.7 (c) (1) (x).
11. The action will not result in a substantial adverse impact on the environment when changes in two or more elements of the environment are considered together under § 617.7 (c) (1) (xi).
12. The action will not result in substantial adverse cumulative impacts under § 617.7 (c) (1) (xii). Concurrent with this Action, the Town Board is considering a new solar energy law to regulate the installation of solar energy facilities in the Town. Draft solar regulations were previously incorporated into a prior version of the 2023 Zoning Code. After further consideration, however, those regulations were removed from the 2023 Zoning Code and proposed as a separate local law to be codified in the Town Code for administrative and enforcement purposes. Draft solar regulations will be subject to its own review under SEQRA. Upon due consideration, adoption of the proposed solar energy regulations and the 2023 Zoning code will not result in substantial adverse cumulative impacts.
13. The Town Board did not identify any other significant adverse environmental impacts.

Upon review of the information set forth in the administrative record and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town Board of the Town of Forestburgh, as lead agency that, this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared.

Accordingly, this NEGATIVE DECLARATION is issued.

Contact Person: Supervisor Daniel S. Hogue, Jr., Town Hall, 332 King Road, Town of Forestburgh, NY 12777. Telephone: (845) 794-0611.

Town of Forestburgh  
Negative Declaration Page 11 of 12

A copy of this SEQRA determination of significance and Negative Declaration filed with the Town Clerk and published on the New York State Environmental Notice Bulletin.

On a motion by Supervisor Hogue, the resolution was adopted on a roll call vote, the results which follow:

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

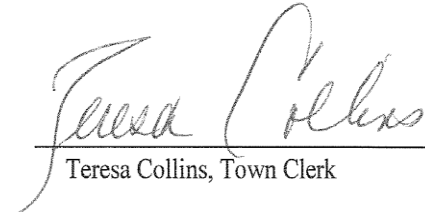
Adopted this 2nd day of November 2023.

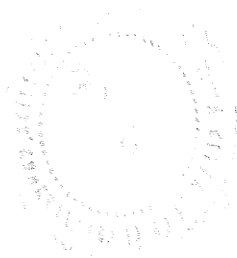
**By Order of the Forestburgh Town Board**  
**Teresa Collins, Town Clerk**

I, TERESA COLLINS, Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on **November 2, 2023**, and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

**I DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the said Town Board meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Forestburgh this 2<sup>nd</sup> day of November 2023.

  
Teresa Collins, Town Clerk



### **List of Appendices**

- Appendix 1: 2002 Zoning Code
- Appendix 2: 2023 Zoning Code
- Appendix 3: Town Zoning Map
- Appendix 4: Amended Zoning Map
- Appendix 5: Use Tables are attached as Appendix \_(A) – (E).
- Appendix 6: Derivation Table
- Appendix 7: Parcels to be Rezoned
- Appendix 8: B-1 District
- Appendix 9: B-2 District
- Appendix 10: B-3 District
- Appendix 11: Sullivan County Planning Commission Comments and Town Responses
- Appendix 12: Agricultural Districts
- Appendix 13: Summary of Public Comments and Town Responses
- Appendix 14: Town Planning Board Comments
- Appendix 15: Critical Environmental Areas

Motion by Councilperson Ellsweig Second by Councilperson Budofsky. Adopting Local Law 3 of 2023 Amending Town of Forestburgh Zoning Code Resolution. Vote: 5 ayes 0 Nays. Motion carried. Please see attached Resolution.

# **Town of Forestburgh**

## **RESOLUTION 2023-11-02**

### **ADOPTING LOCAL LAW 3 OF 2023 Amending Town of Forestburgh Zoning Code**

**Dated: November 2, 2023**

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 2nd day November 2023, there were:

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

Councilperson Budofsky offered the following resolution and moved for its adoption:

**WHEREAS**, the Town Board of the Town of Forestburgh determined that the Town's local laws, code, rules and regulations related to zoning were outdated and in need of revision and did not adequately provide for the proper administration and enforcement of the Town Code of the Town of Forestburgh and directed that a draft local law amending the zoning code be prepared for the Town Board's consideration;

**WHEREAS**, a proposed local law was developed with the assistance of the Town's consultants and introduced and distributed to and reviewed by the Town Board members;

**WHEREAS**, the local law was referred to the Sullivan County Planning Board, the Town Planning Board, and, as necessary to the clerks of the abutting towns;

**WHEREAS**, the comments, if any, of the Sullivan County Planning Board and Town Planning Board were considered by the Town Board;

**WHEREAS**, duly noticed public hearings were held on June 6, 2023; and September 27, 2023 and any public comments were carefully considered by the Town Board members;

**WHEREAS**, the Town Board is the only involved agency for this Type I action under NYS Environmental Quality Review Act (SEQRA) 6 NYCRR § 617.4 (B) (2);

**WHEREAS**, the Town Board, with assistance from its consultants, prepared the SEQRA Environmental Assessment Long Form (EAF) Parts 1, 2, and 3 to evaluate environmental impacts of the proposed local law and duly adopted a SEQRA determination of significance and Negative Declaration.

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby adopts Local Law No. 3 of 2023, entitled “Town of Forestburgh Zoning Code” and referenced Table of Uses in the form attached hereto as Attachment 1, and directs that the SEQRA documentation and the Local Law be filed as required by NYS Municipal Home Rule Law;

**BE IT FURTHER RESOLVED** that the Town Board hereby amends the zoning map of the Town of Forestburgh as follows:

	<u>S/B/L</u>	<u>Acreage</u>	<u>Parcel Address</u>	<u>Current Zoning</u>	<u>New Zoning</u>
1	6.-1-17	5.13	2861 State Route 42	RR	B-1
2	6.-1-4.1	2.53	21 Dill Road	Business	B-2
3	6.-1-4.2	0.66	3051/3055 State Route 42	RR	B-2
4	6.-1-4.3	0.34	3099 State Route 42	RR	B-2
5	6.-1-4.4	0.34	_ State Route 42	RR	B-2
6	6.-1-4.5	0.45	3045 State Route 42	RR	B-2
7	6.-1-5	1.88	_ State Route 42	RR	B-2
8	6.-1-6	2.59	3025 State Route 42	RR	B-2
9	6.-2-32	1.45	2846 State Route 42	Business	B-1
10	6.-2-36.41	25.87	3038 State Route 42	RR	B-2
11	6.-2-36.54	0.21	_ Lake Joseph Dr	RR	B-2
12	6.-2-36.55	1.01	_ Lake Joseph Dr	RR	B-2
13	6.-2-36.59	0.38	_ Lake Joseph Dr	RR	B-2
14	13.-1-2	0.61	28 French Clearing Rd	RR	B-1
15	13.-1-3.1	2.16	_ French Clearing Rd	RR	B-1
16	13.-1-3.2	1.76	_ State Route 42	RR	B-1
17	13.-1-3.3	0.95	2847 State Route 42	RR	B-1
18	13.-1-4	0.82	1835 & 2841 State Route 42	Business	B-1
19	14.-1-1	0.85	_ State Route 42	RR	B-1
20	27.-1-2.2	0.66	21 Schaefer Lane	Business	RR
21	28.-1-11	3.5	901 Oakland Valley Rd	Business	RR
22	30.-1-14.2	0.4	40 Forestburgh Road	RR	B-3
23	30.-1-14.5	1.83	44 Forestburgh Road	RR	B-3
24	30.-1-14.8	3.68	_ Forestburgh Road	RR	B-3
25	30.-1-14.9	0.17	30 Forestburgh Road	RR	B-3
26	30.-1-15	4.11	_ State Route 42	RR	B-3
27	30.-1-16	4.2	2267 State Route 42	RR	B-3
28	30.-1-17	7.12	24 Forestburgh Rd	RR	B-3
29	30.-1-18	0.2	_ Forestburgh Rd	RR	B-3
30	30.-1-19	0.28	_ Forestburgh Rd	RR	B-3
31	30.-1-20.1	0.14	36 Forestburgh Rd	RR	B-3
32	30.-1-21	0.32	_ Forestburgh Rd	RR	B-3

33	33.-1-26.2	4.87	39 Forestburgh Rd	RR	B-3
34	33.-1-28	5.29	23 Forestburgh Rd	RR	B-3
35	33.-1-29	0.33	23 Forestburgh Rd	RR	B-3
36	33.-1-30	1.97	17 Forestburgh Rd	RR	B-3
37	33.-1-31	1.06	5 Forestburgh Rd	RR	B-3
38	33.-1-32.2	1.61	16 Mill Road	RR	B-3
39	33.-1-32.5	3.37	_ Mill Rd	RR	B-3
40	33.-1-32.6	5.16	_ State Route 42	RR	B-3
41	33.-1-32.7	4.07	2213 State Route 42	RR	B-3
42	34.-1-1	0.5	_ State Route 42	RR	B-3
43	34.-1-2	0.92	_ State Route 42	RR	B-3
44	34.-1-3	52.64	2200, 2222 State Route 42	RR	B-3
45	34.-1-4	0.37	38 Hartwood Road	RR	B-3

**BE IT FURTHER RESOLVED** that the Town Board hereby adopts the map entitled “Zoning Map, Town of Forestburgh” in the form attached hereto as Attachment 2, and directs that the Map be filed as required by NYS Municipal Home Rule Law;

On a motion by Councilperson Ellsweig, seconded by Councilperson Budofsky, the resolution was adopted on a roll call vote, the results which follow:

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

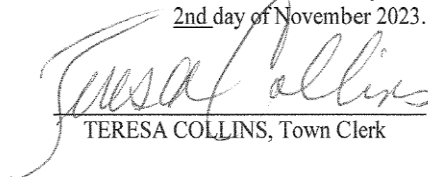
Adopted this 2nd day of November 2023.

**By Order of the Forestburgh Town Board**  
**Teresa Collins, Town Clerk**

I, **TERESA COLLINS**, Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on **November 2, 2023** and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk’s office.

**I DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the said Town Board meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Forestburgh this 2nd day of November 2023.

  
**TERESA COLLINS, Town Clerk**

**EMS Contract** – will be table to next month's meeting.

### **Volunteer Fire Department Property Tax Exemption**

**Mr. Cassidy**

There was a new tax law last year through the legislature. The same tax law 466A is going to be sunshine and tax 466F which is issued by the Sullivan County by legislature and approved in 2005. It actually makes it, that it has to be accepted by all local districts. A public hearing needs to be held. It needs to be completed by March 31<sup>st</sup> and given enough time for any available firefighters and EMS working in the district, if not they would not be able to get until the 2025 tax year and not the 2024 year. It is agreed by the board that councilperson Ellsweig will issue all documents on this issue and will be placed on the December agenda for discussion.

### **911 Signs**

Townhall will continue to post that all residents are required to have 911 signs in the newsletter and additional research will be done by the town attorney and the town board.

### **NEW BUSINESS**

Townhall will be closed on Tuesday for election day.

### **REPORTS – BOARD MEMBER COMMENTS**

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

**Planning Board** – Nothing pending. Next meeting is November 28, 2023

**Fire Department** – remind everyone to change their batteries in their smoke detector.

Town of Forestburgh  
Permit Monthly Report

10/01/2023 - 10/31/2023

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
<b>October 2023</b>						
BP2023-0724	10/05/2023	Megan Galligan	Res Repair	93 Galligan Rd SBL#: 26-1-28.1	\$17,000.00	\$50.00
Description of Work: Re-roof an existing single family dwelling. Work shall comply with Appendix "J" of the 2020 Residential Code of VYS.						
BP2023-0725	10/05/2023	Kevin Cespe	Res New Dual Side Built	State Route 42 SBL#: 13-1-19.10	\$115,000.00	\$576.00
Description of Work: Construct a single family dwelling and septic system. Work shall comply with the 2020 Residential Code of VYS.						
BP2023-0726	10/05/2023	Kevin Jennings	Res Additions/renovation	281 Merrimold Rd SBL#: 16-7-1	\$11,525.00	\$75.00
Description of Work: Perform electrical service upgrade to an existing single family dwelling (200 amp). Work to comply with Appendix "J" of the 2020 Residential Code of VYS.						
BP2023-0727	10/20/2023	Richard Kazzman	Res Additions/renovation	56 Harwood Rd SBL#: 34-1-3.2	\$5,305.00	\$75.00
Description of Work: Perform electrical upgrades and alteration for an existing single family dwelling. Work shall comply with Appendix "J" of the 2020 Residential Code of VYS.						
BP2023-0728	10/31/2023	Mark Moyer	Res Additions/renovation	8 Lena Rd SBL#: 6-2-36.6		\$102.00
Description of Work: Construct covered walkway between dwelling and accessory structure (garage). Work shall comply with Appendix "J" of the 2020 Residential Code of VYS.						
					October 2023 Total:	\$148,828.00
					Reporting Period Total:	\$878.00

# Building Permit

The Forestburgh Code Enforcement Department, County of Sullivan, State of New York hereby issues this certificate as described herein:

Permit Number : BP2023-0728

Tax Parcel ID : 6.-2-36.6

Issue Date : 10/31/2023

Permit Issued To : Benzeberg Construction LLC

Permit Fee : 102.00

Permit Application Number : PA2023-0763

Type of Permit : Res Additions/renovation

Property Owner's Name : Mark Moyer

COPY

Property Owner's Address : 155 E 31st St

Occupant's Name : Mark Moyer

Description of Work :

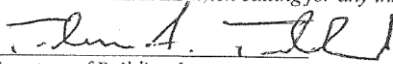
Construct covered walkway between dwelling and accessory structure (garage). Work shall comply with Appendix "J" of the 2020 Residential Code of NYS.

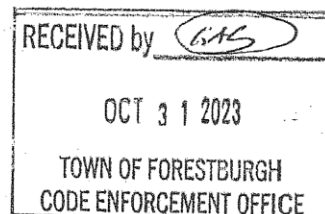
*I am familiar with the Zoning / Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. This information stated above is correct and accurate.*

\_\_\_\_\_  
Authorized Signature

*A permit, under which no work has commenced within one year after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance that has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstances a new building permit shall be secured before work can begin or be completed.*

*It is the Responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE when calling for any inspections of inquiries.*

  
Signature of Building Inspector



# Building Permit

The Forestburgh Code Enforcement Department, County of Sullivan, State of New York hereby issues this certificate as described herein:

Permit Number : BP2023-0727

Tax Parcel ID : 34.-1 -5.2

Issue Date : 10/20/2023

Permit Issued To : Richard Katzman

Permit Fee : 75.00

Permit Application Number : PA2023-O762

Type of Permit : Com Additions/renovations

Property Owner's Name : Richard Katzman

Property Owner's Address : 56 Hartwood Rd

Occupant's Name : Richard Katzman

Description of Work :

Perform electrical upgrades and alteration for an existing single family dwelling. Work shall comply with Appendix "J" of the 2020 Residential Code of NYS.

COPY

*I am familiar with the Zoning / Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. This information stated above is correct and accurate.*

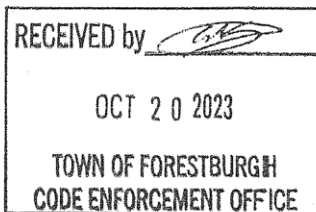
\_\_\_\_\_  
Authorized Signature

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Signature of Building Inspector



# Building Permit

The Forestburgh Code Enforcement Department, County of Sullivan, State of New York hereby issues this certificate as described herein:

Permit Number : BP2023-0724

Tax Parcel ID : 26.-1-28.1

Issue Date :10/03/2023

Permit Issued To : Megan Galligan

Permit Fee : 50.00

Permit Application Number : PA2023-O759

Type of Permit :Res Repair

Property Owner's Name : Megan Galligan

Property Owner's Address : 83 Galligan Rd

Occupant's Name : Megan Galligan

**Description of Work :**

Re-roof an existing single family dwelling. Work shall comply with Appendix "J" of the 2020 Residential Code of NYS.


COPY

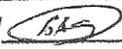
*I am familiar with the Zoning / Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. This information stated above is correct and accurate.*

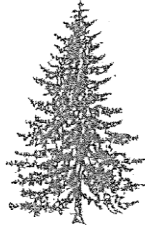
\_\_\_\_\_  
Authorized Signature

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Signature of Building Inspector

RECEIVED by 
OCT 03 2023
TOWN OF FOREST BURGH CODE ENFORCEMENT OFFICE



TOWN OF FORESTBURGH  
BUILDING DEPARTMENT  
332 King Road  
Forestburgh, New York 12777

Tel. (845) 794-0611 ext 24  
Fax (845) 794-0678

## *Certificate of Compliance*

The Forestburgh Code Enforcement Department, County of Sullivan, State of New York  
hereby issues this certificate as described herein:

Certificate Number: 0723

It is hereby certified that inspection(s) of the building(s) or  
structure(s) noted below have/has revealed no incorrect  
deficiency or material violation of applicable laws or codes. Such  
Construction or Occupancy is found to be in substantial  
conformance with the plans and/or other information on file with  
this office in connection with the building permit.

Permit Number : BP2023-0723

Tax Parcel ID : 12.-1-6.2

Permit Date : 09/19/2023

Permit Application Number : PA2023-0758

Type of Permit : Residential PV Array

Street Address: 1138 Sackett Lake Rd

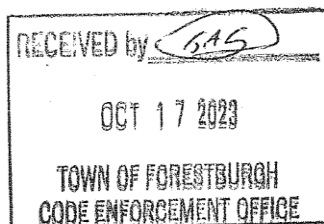
Property Owner's Name : David Patterson

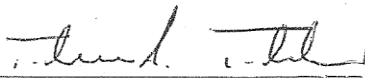
Property Owner's Address :  
1138 Sackett Lake Rd

**COPY**

Description of Work :

Installation of a roof mounted P.V. array, 8.82 KW. Work to comply with Appendix "J" of the  
2020 Residential Code of NYS.



  
Authorized Signature

# Building Permit

The Forestburgh Code Enforcement Department, County of Sullivan, State of New York hereby issues this certificate as described herein:

Permit Number : BP2023-0725

Tax Parcel ID : 13.-1-19.10

Issue Date : 10/03/2023

Permit Issued To : Kevin Cespie

Permit Fee : 576.00

Permit Application Number : PA2023-0760

Type of Permit : Res New Dwll Site Built

Property Owner's Name : Kevin Cespie

Property Owner's Address :  
147-15 Northern Blvd.

Occupant's Name : Kevin Cespie

Description of Work :

Construct a single family dwelling and septic system. Work shall comply with the 2020 Residential Code of NYS.

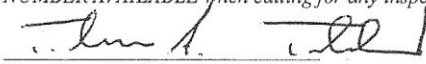
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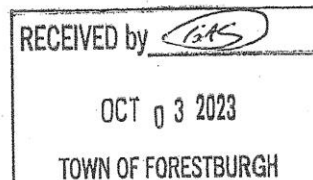
*I am familiar with the Zoning / Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. This information stated above is correct and accurate.*

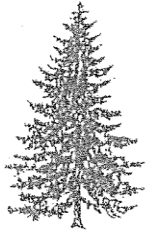
\_\_\_\_\_  
Authorized Signature

*A permit, under which no work has commenced within one year after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance that has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstances a new building permit shall be secured before work can begin or be completed.*

*It is the Responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE when calling for any inspections of inquiries.*

  
Signature of Building Inspector





TOWN OF FORESTBURGH  
BUILDING DEPARTMENT  
332 King Road  
Forestburgh, New York 12777

Tel. (845) 794-0611 ext 24  
Fax (845) 794-0678



## *Certificate of Occupancy*

The Forestburgh Code Enforcement Department, County of Sullivan, State of New York  
hereby issues this certificate as described herein:

Certificate Number:

It is hereby certified that inspection(s) of the building(s) or  
structure(s) noted below have/has revealed no incorrect  
deficiency or material violation of applicable laws or codes. Such  
Construction or Occupancy is found to be in substantial  
conformance with the plans and/or other information on file with  
this office in connection with the building permit.

Permit Number : BP2020-0579

Tax Parcel ID : 29.-1-2.27

Permit Date : 11/10/2020

Permit Application Number : PA2020-0613

Type of Permit : Res New Dwll Site Built

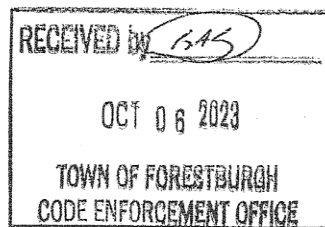
Street Address: 98 Wildwood Way

Property Owner's Name : Michael McKean

Property Owner's Address :PO BOX 182

Description of Work :

Construct a new single family dwelling and septic system. Work shall comply with the 2020  
Residential Code of NYS. Type VB Construction, non-sprinklerd.



Authorized Signature

**MOTION** by Supervisor Hogue to adjourn, second by Councilperson Landis at 7.15 p.m.

Respectfully submitted,

Teresa Collins  
Town Clerk