

TOWN OF FORESTBURGH

PLANNING BOARD

April 25, 2017

Meeting called to order at 7:12 p.m. by Chairman Richard Robbins at the Town Hall.

Members Present: Richard Robbins, Chair
Karen Ellsweig
Robert Sipos
Eugene Raponi
Vincent Galligan

Absent: Susan Hawvermale

Attorney Present: Jacqueline Ricciani

Recording Secretary: Nicole Lawrence

Moment of silence for Evelyn Parks

Correspondence

A letter from Town Board supervisor, Dan Hogue, written on April 22nd, 2017 is read aloud by Richard Robbins. The letter states that during the regular April meeting, the Town Board entered into executive session to discuss a matter of personnel pertaining to the planning board. The Town Board determined that David Groskin has made himself ineligible to continue to hold his appointed position as a Planning Board member due to residency requirements and has been sent a notice in writing of such. This has created a vacancy and the Town Board is pursuing its options to fill the vacant spot. The town would like to thank David Groskin for his contributions and wish him the best of luck in future endeavors.

Approval of Minutes

Eugene Raponi makes the motion to approve minutes. Richard Robbins seconds the motion. Karen Ellsweig would like the minutes to reflect the discussion Planning Board members had regarding the minutes because this was not included in the draft on hand. She asks that a short paragraph document the decisions made regarding the minutes: no edits to the secretary's draft prior to distribution to all members, sent to all members in draft form and not posted on the website until approved. Karen also requests a correction to her own statement in the section *Planning Board member comments on Comprehensive Plan*: her suggestion had been to use wording specifically in the introduction to the Comprehensive Plan, so that anyone reading the plan would understand right up front the town is looking for 'smart growth'. Richard Robbins calls a vote on the minutes with these amendments.

Vote: all in favor

Public Comment on Agenda Items

There are no comments.

Continuing Review of Draft of the Forestburgh Subdivision Law

Richard Robbins picks up where the Planning Board left off, on page 16 section 148-11 (*Lot Line Revisions*). Karen Ellsweig refers to page 17 and asks what an “actual field survey” means. Jacqueline Ricciani explains that it means the surveyor physically goes to the property and uses markers, as opposed to creating a survey based off of documents. Richard directs attention to page 18, item 11, and asks if a wells and septic systems should be added to the list. The board concurs and adds the term waste water treatment. Richard moves onto item 12, suggesting a change in sentence structure to read “the location of any driveways and their intersection with any public road(s).” All concur. On page 19, section G, Jacy Ricciani makes a note regarding a change in the language to the last sentence – to remove time limits of extension. Richard Robbins suggests adding the words “on application”. Karen Ellsweig suggests reversing the order of H and I, to which members agree. Jacy Ricciani has commented in her notes that a sentence reads that a “corrected final plat” should be submitted to secretary for final review, and asks if the secretary should be responsible for final review. Richard Robbins suggests the chair person or code enforcer be responsible for final review. All concur. Karen Ellsweig points out the Planning Board does not have a designee to stand in for the chair if need be – in the case of absence. Dan Hogue suggests an appointment of second in command. Karen Ellsweig refers to J and suggests it be put as last paragraph. All concur. Vinny Galligan asks about the reference to a boundary line “agreement” between two parties and asks who enforces such agreement. The board agrees that the paragraph needs to be reviewed carefully; Jacy Ricciani will check the procedure and disseminate the information to members. Eugene Raponi feels that neighbor disputes regarding lot lines should come before the Planning Board as opposed to the county. Jacy will check on the procedures and if it is possible to mandate that by law.

Planning Board Member Comments on items not on the agenda

Robert Sipos states that he is confused as to what happened with David Groskin and asks Jacqueline Ricciani what transpired here this evening that he had to leave. Jacy explains that David was supposed to have received the letter declaring his vacancy with respect to his seat but he never received it and that was why she privately explained to him what was happening. Jacy explains that David was not legally “removed” from the Planning Board. She explains that “a vacancy was created” because he no longer meets the criteria to sit on the Planning Board. Robert asks what the criteria was that he had to vacate his seat. Jacy says that it was that he had moved to Goshen and that when he made the announcement he did not understand the ramifications of that. Robert asks how the law reads regarding this matter and Jacy answers that it is one’s domicile. Robert asks how it domicile is determined, to which Jacy answers “intention to return”. Nicole Lawrence asks if the town board made the determination based on the case law, being that Karen Ellsweig had previously pointed out the word domicile was only mentioned in the case law and not the Public Officer’s Law. Jacy says she was not in the executive session. Robert Sipos asks if there is a time line or if it is just a matter of stating you have intentions to return at some point. Jacy says it is not as simple as a verbal declaration, there must be some action to back it up. Karen Ellsweig affirms that the case law does support the need to establish domicile. Eugene Raponi says that he spoke with people of the town and they were not comfortable with a person making important decisions when they reside in another town.

There are no other Planning Board member comments on items not on the agenda.

Motion to adjourn at 8:00 made by Karen Ellsweig, seconded by Vinny Galligan.

Vote: all in favor