

TOWN OF FORESTBURGH

PLANNING BOARD

Jan 23, 2018

Meeting called to order at 7:07 p.m. by Chairman Richard Robbins at the Town Hall.

Members Present: Richard Robbins, Chair
 Robert Sipos
 Vincent Galligan
 Eugene Raponi
 Anthony Cardoso
 Susan Hawvermale

Attorney Present: Jacqueline Ricciani

Recording Secretary: Nicole Lawrence

Approval of Minutes

Motion to approve minutes for November 30, 2017 special meeting made by Susan Hawvermale, seconded by Anthony Cardoso.

Vote: all in favor as drafted

Motion to approve minutes for December 19, 2017 made by Susan Hawvermale, seconded by Vinny Galligan. Amendments are discussed and approved by the board.

Vote: all in favor as amended

Public Comment on Agenda Items

There are no comments from the public.

Continuing review of the draft proposed Subdivision Code

Heather Jacksy (Senior Planner for the Sullivan County Division of Planning and Environmental Management) listens to the concerns and questions of board members regarding conservation subdivisions and offers professional insight.

Anthony Cardoso shares his concerns and experiences with problems resulting from cluster housing and asks Heather her opinion on omitting the density bonus all together. Heather tells the board to be careful about how much density is allowed, being that is the basis for the yield plan and the underlining zoning is

very important. She recommends that, when drafting the Town of Forestburgh Subdivision Code, they look at the way the Town of Thompson calculates a yield count because they have a list of elements (such as rivers/lakes, slopes, roadways, utility easements, etc.) that are subtracted from calculations.

Susan Hawvermale asks Heather what incentive developers would have to build under a conservation subdivision if there were no bonus density. Heather mentions a number of reasons developers would want to cluster housing, mostly infrastructure cost.

When asked by Richard Robbins how much authority the Planning Board has when setting criteria and policy regarding the aesthetics of land, Heather says it depends on how much authority the board gives themselves. Jacy discusses details regarding the authority boards have on landscaping, architectural guidelines, setbacks and the location of utilities. Heather stresses a rational nexus among all requirements set by the board and the town policies.

Heather suggests setting a minimum lot size that applicants can go down to, so the balance of the property be left open as a single larger lot. She cautions the board to ensure that the portion of property that is left conserved is legitimately conserved, so no further development occurs on that portion later.

Jacqueline Ricciani asks Heather if she has seen conservation easements as a mandatory requirement in other municipalities. Heather says yes, she has, but there have been times that was not legally effective because it was written into the plat and an area on a map is not effective legal notice that a permanent easement exists; thus, care must be exercised in how easements are created and defined.. Heather shares that there have also been cases when one person has owned the open/conserved land as private property and that person does not have to allow access to anyone. Susan Hawvermale asks Heather about making the open/conserved land open to the public, if the town does not own it. Heather explains that in order for the town to control a property, they would bear the responsibility of maintaining it. Jacy stresses the burden this can place on a town. Richard Robbins states that the board's purpose is to require there be an easement to maintain the property as forever wild and Jacy says she has seen provisions that require land be kept forever wild.

Eugene Raponi raises concerns regarding water supply and the impacts on a water table. Jacy explains that the board should refer to the engineer, and possibly other experts, on this matter. She states that this is not something that has to be written into the subdivision code but something the board may consider.

Anthony asks Heather if other towns factor out certain types of soils (in their yield count), as building cannot occur on certain types of soil. The board recalls cases in which property owners have found ways to build around such soils. Anthony proposes that the new code prevent complicated development as it can become problematic eventually. Robert Sipos clarifies that the development was not problematic and, though somewhat complicated, it worked for those people. He reminds the board that some measures must be taken to keep development affordable, especially by today's standards. The board discusses problems that arise with shared services and consider discouraging shared services; however, it would be a challenge for developers to install individual wells and septic systems on lots if they are small. Members decide to consult with the town engineer before making a determination on allowable lot size.

Susan Hawvermale asks Heather if she is aware of any drawbacks to a conservation subdivision. Heather says no, it is a good tool if you have a law that reflects the community's character. She expresses the importance of clearly defining what constitutes "open space" and tells of cases in which the conserved open space was not contiguous but a sum of separate pieces of private property.

When Richard Robbins asks if any members feel strongly that they want to recommend to the Town Board to eliminate the conservation subdivision entirely, no members express interest.

Before her departure, Heather loans the board a book that may serve as a useful resource when reviewing the proposed conservation subdivision.

The board continues to review the proposed conservation subdivision law on page 45. Members agree to keep the statement of policy. There is discussion about grafting the goals listed in the PDD into the conservation subdivision law.

The board entertains requirements that could be set forth in order for an application to be submitted and considered. Members agree to Anthony Cardoso's suggestion to require a minimum acreage on the entire property.

There is discussion about the language in paragraphs F and G.

Members discuss the impacts on open space under a forestry management plan and how that may be preserved with an easement.

The board decides to remove subparagraph K as members do not wish to include an incentive bonus. The board continues their review of language in various paragraphs and make revisions as needed. Next time review will pick up at setbacks, where the board left off.

Planning Board Member Comments on items not on the agenda

Richard Robbins announces that the Town Board is entertaining applications for the open spot on the planning board.

Motion to adjourn at 9:24 made by Eugene Raponi, seconded by Vinny Galligan.

Vote: all in favor