

TOWN OF FORESTBURGH PLANNING BOARD
MINUTES
September 25, 2018

Meeting called to order at 7:00pm by Chairman Richard Robbins at the Town Hall.

Members Present: Richard Robbins, Chair
 Katherine Barnhart
 Anthony Cardoso
 Vincent Galligan
 Susan Hawvermale
 Robert Sipos

Absent: none

Attorney Present: Jacqueline Ricciani

Planning Board Engineer: Timothy Gottlieb

Recording Secretary: Billie Jean McGinnis

Approval of Minutes

Minutes have not been prepared as there hasn't been a Planning Board secretary.

Public Comment on Agenda Items

There are no comments from the public.

Review of Local Law re Subdivision Moratorium

Richard explained that there is a zoning code requirement that the Planning Board review the proposed change in the zoning code which is the adoption of the 6 month moratorium on large subdivisions. To evaluate to make sure the law is consistent with the aims and principals of the zoning code with respect to the districts impacted. Richard doesn't see anything inconsistent with the aims and principals with regards to the residential districts. Everyone concurs.

All areas in the town in which a subdivision could be built will be affected. No areas will be adversely affected by the moratorium. There are no indirect implications in regards to the establishment of this temporary moratorium. Everyone concurs. Richard will report to the Town Board. Public Hearing will be held 10/4.

Sketch Plan Review – Calliope Solar

The Planning Board determined that the applicant's plan does not conform to the standards set by the Solar code specifically pertaining to setbacks and inverter placement. Calliope would like the Planning Board to waive these conditions. They urged that the Board has the authority to waive the law's requirements. Jacqueline and several Board members disagreed and indicate that the Zoning Board of Appeals has the authority to grant the kind of waivers they seek. Representatives and Counsel for the applicant expressed reluctance do so. Calliope Solar's counsel indicated that it would prepare an opinion letter setting forth his position that the Zone Code, section 85-28F, grants the Planning Board authority to waive provisions of the Solar Code. The applicant expressed its view that without waivers from the terms of the Solar Law, this project would not make sense for them on this property because of its configuration.

Sketch Plan Review - Forestburgh Pond

Alan Lord spoke on behalf of Forestburgh Pond. He asked if there's any point in going any further given the fact that the moratorium has been proposed. Richard doesn't think there will be a need to extend the moratorium. There are some concerns but from a planning prospective, it's best to discuss them now.

The property has issues with wetlands, streams, dam and hunting lodge. Utilities would be supplied underground. There is also a right-of-way to consider for adjoining properties on the pond that are not part of the project. A Homeowners Association would be created to take care of common areas including the dam and hunting lodge.

Compliance issues such as road frontage, cul-de-sacs and challenges to lot configuration were identified. Marketing and anticipated timing of development was also discussed.

Continued Review of the Draft Proposed Subdivision Code

The board continued review of the subdivision code. Changes were made as discussed. Jacqueline will make a chart of processes to make sure time frames and language are consistent.

One point of discussion was that if a final plat is not in substantial agreement with the preliminary plat, a new site plan will be required and the process for approval will start over. They could come back with an amendment to their preliminary plat based on whatever issue they encountered. At that point, the Board can determine if the issue is substantial enough to require a new site plan.

Planning Board Member Comments on Items Not on the Agenda

Richard is unavailable on October 23rd and proposed the meeting to be rescheduled for October 30th. The Board was polled for conflicts on the 30th. The meeting will go forward on October 23rd.

Motion to adjourn at 9:23pm made by Katherine Barnhart, seconded by Anthony Cardoso.

Vote: All in favor.