

TOWN OF FORESTBURGH PLANNING BOARD
MINUTES
February 26, 2019

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

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

Attorney Present: Jacqueline Ricciani

Town Engineer: Tim Gottlieb

Recording Secretary: Billie Jean McGinnis

Approval of Minutes

Minutes for January were reviewed.

Motion to Approve the minutes made by Susan Hawvermale, seconded by Anthony Cardoso.
Vote: All in favor.

Public Comment on Agenda Items

There are no comments from the public.

Town Board SEQRA Lead Agency Designation – Subdivision Code Adoption

Richard Robbins reported that at the last Town Board meeting, the Subdivision Code was introduced. The Town Board declared itself lead agency for SEQRA review. We are not required to voice approval, however, would need to communicate objections. This board does not object to the Town Board as lead agency for SEQRA review.

King/Murphy Subdivision

Alvin Chase presented on behalf of the applicant. An owner's proxy is on file for Kathleen Murphy and Eugene King. The applicant seeks to divide a 9.18 acre parcel into four 2.3 acre (approximate) parcels. These four parcels will be consolidated with four existing and adjoining parcels.

Richard Robbins identified that due to the complexity of this proposal and the issues we have, it may be more productive to consider this a sketch plan meeting.

Richard stated that the 9 acre parcel is owned by a trust. That trust property is to be subdivided. The first issue to discuss is whether it complies with our Subdivision Code.

Jacqueline Ricciani identified a few issues. They are proposing a lot that doesn't meet the bulk requirements for that district. Our subdivision code requires a lot to be buildable, can accommodate well and septic, and must have road frontage and/or driveway access. In addition, even though they are related family members, there is no identity of ownership. The trusts are two totally different entities.

Anthony Cardoso is concerned that not all these lots will be buildable. He would like to see some engineering to see where a house would need to be built. If submitting a subdivision application, you must create buildable lots.

Richard Robbins explained that the ownership provides more of a problem. The trusts involved don't have the same ownership.

In addition, Richard Robbins, Vincent Galligan and Katherine Barnhart voiced concerns that we will have a new subdivision code and will need to conform to it.

Alvin Chase stated that the intention isn't to create a subdivision with buildable lots. He asked about a lot improvement or conveyance. Jacqueline advised that the problem with a lot improvement is that you have the same amount of lots at the start and end of the process. This will not accomplish the purpose of this application.

Jacqueline suggested to convey the 9 acre parcel and do a series of lot line adjustments. She would need to research this further to see if all the parcels will meet the requirements. Jacqueline explained the process of a conveyance. The applicant won't be required to meet the criteria of a subdivision if they do a conveyance. Because there is no common ownership, you can do a conveyance and a deed transfer. Then the new owner can do a lot line adjustment. The remaining lots would then have a series of additional lot line adjustments. Owners can agree that one is gaining property and the other is losing property.

After further discussion and review of the maps, Jacqueline suggests that the applicant explore the option of doing a conveyance and lot line adjustments. Jacqueline advised that the applicant may want to do a series of maps to show a progression of how the lot lines are moving.

Richard advised the applicant that the goal is to avoid a subdivision because it has all kinds of requirements that they don't want to get involved in. This is the most efficient way to accomplish what they want to do. The applicant was under the understanding that the Town did not recognize lot improvements adjustments. He'll research the conveyance and come back to the Board with a new application.

Planning Board Application Form

Richard Robbins made the following suggestions:

- For bookkeeping purposes, that the application needs to have a notation that we need to have separate checks for escrow and application fees. This was suggested by Joanne Nagoda. It's not clear on our current application form.
- In addition to proof of ownership, we should add the owner proxy forms to the application.
- Include/update the dates of the meetings and their deadlines.

Richard Robbins moved to make these changes. Seconded by Katherine Barnhart.

Tim Gottlieb suggested providing a link for the current DEC EAF mapper.

Richard amended his motion to include in the instructions and template reference to the DEC EAF mapper. Seconded by Katherine Barnhart.

Susan Hawvermale asked if we are going to review this again to allow more time to review the current application and make suggestions. Richard suggests voting on the current motion and then upon reviewing the resulting product that we make a motion then.

Vote: All in favor.

Planning Board Member Comments on Items Not on the Agenda

Anthony Cardoso asked about the solar farm item on the agenda before the ZBA. He asked if it was the same solar farm as the application that was before the Planning Board. Jacqueline provide an explanation that this was an area variance for the Inn at Lake Joseph. March 11th is the public hearing for this item.

Robert Sipos advised that the Town website needs to be updated to show the current board members. Alan Devlin is not listed, and Eugene Raponi is still shown. Clerk will ask Wendy Wells to update the website.

Motion to adjourn at 7:57pm made by Susan Hawvermale. Seconded by Anthony Cardoso.

Vote: All in favor.