

**TOWN OF FORESTBURGH PLANNING BOARD**  
**MINUTES**  
**June 27, 2019**

After a public hearing, the meeting was called to order at 7:06pm by Chairman, Richard Robbins at the Town Hall.

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

Absent:                       Susan Hawvermale

Attorney Present:           Jacqueline Ricciani

Recording Secretary:       Billie Jean McGinnis

**Approval of Minutes**

Minutes for May were reviewed. Grammatical errors were corrected.

Motion to Approve the minutes as amended made by K. Barnhart, seconded by R. Sipos.  
Vote: All in favor.

**Public Comment on Agenda Items**

There are no comments from the public.

**Hartwood Club/Wierdsma Subdivision**

Chairman Robbins provided a background. The Hartwood Club seeks to subdivide its parcel into 2 parcels, 1.16acres and 1956.54 acres. Glen Plotsky an attorney for Bavoso & Plotsky presented on behalf of The Hartwood Club. A Public Hearing was held. No members of the public spoke for or against this matter.

The Board reviewed and discussed Part 2 of the Short Environmental Assessment Form. The Board decided that the proposed action:

1. will not create a material conflict with an adopted land use plan or zoning regulations.
2. will not result in a change in the use or intensity of use of land.
3. will not impair the character or quality of the existing community.

4. will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area. There are no critical environmental areas in Sullivan County.
5. will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. will not cause an increase in the use of energy.
7. will not impact existing public/private water supplies or wastewater treatment utilities.
8. will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. will not result in an adverse change to natural resources.
10. will not result in an increase in the potential for erosion, flooding or drainage problems.
11. will not create a hazard to environmental resources or human health.

The Board reviewed and discussed Part 3 of the Short Environmental Assessment Form.

K. Barnhart made a motion that the proposed action will not result in any significant adverse environmental impacts. Seconded by A. Cardoso.

Vote: All in favor.

Chairman Robbins explained that the Board may impose conditions to the approval of this application. One condition should be that all fees and escrow be paid in full.

K. Barnhart made a motion that the approval is conditioned upon the payment of all fees and escrows. Seconded by A. Cardoso.

Roll Call Vote:

Alan Devlin	Aye	Richard Robbins	Aye
Vincent Galligan	Aye	Katherine Barnhart	Aye
Anthony Cardoso	Aye	Robert Sipos	Aye

Attorney Ricciani will prepare a decision and resolution to be signed and sent to the applicant for acknowledgement.

### **Lost Lake/Love Lake Resort Application**

Chairman Robbins provided an update on the initial site plan approvals. Ching Lam of Kings USA Group, with owner's proxy, has made an application to amend the Lost Lake approvals. There was an active discussion with regards to the following:

Victor Weinberger, a broker, presented on behalf of Mr. Lam, who was also in attendance. Mr. Weinberger explained that with respect to Lost Lake, the applicant is not changing anything with the property. The commercial buildings will be moved so they are concentrated in one area instead of scattered around the property. He continued with an overview of the project

and its amenities. Mr. Lam is generously offering access to amenities at a 50% discount to Forestburgh Residents.

Mr. Weinberger said that Mr. Lam submitted an offer to buy the property based on approval of timeshare ownership. The current approval is for 70 timeshares, the rest have to be residential houses. He said that "Residential housing is a losing proposition for this project". This area is perfect for a timeshare resort. Nothing will change. There will still be 2,557 four bedroom homes ranging from 1800 square feet to 3,000 square feet. Mr. Weinberger reported that about 80 lots have been sold. The applicant is concerned about a lawsuit due to the change to timeshare ownership. Everything will stay the same, same number of homes and same amenities.

Chairman Robbins explained that the Planning Board has obligations to comply with when presented with an application to amend a previously granted zoning change and site plan approval. An environmental assessment is required with the review of any application. The SEQR form is missing from the application that was submitted. He further explained that the application proposes many changes to the approvals that have already been given. This project is significantly different than the project that was already approved. Some of the amenities indicated were never the subject of consideration for the initial approval. The Board is not saying they cannot have these amenities, but a proper application must be submitted so the process can be followed in evaluating whether the changes are compliant with the state and town law.

Mr. Weinberger and Mr. Lam expressed concerns with regard to environmental impact, timeframes for approvals and deadlines provided by Double Diamond. They want an approval for timeshares before they proceed. They don't want to invest more time and money into the project if the timeshares are not going to be approved.

Chairman Robbins explained that that an attorney, engineers and consultants will make these arguments in the course of the application process. The concern of this Board is to review and evaluate a proper application. The circumstances of buyers and sellers are not a concern for the Board and its review. He further explained that the SEQR is an extensive document and relates to all aspects of the environment, including wetlands. The information provided is not enough to make a decision.

A.Cardoso pointed out that if the applicant came in wanting to build the approved plan for Lost Lake, they would be able to do that. However, the request and map provided has significant changes. There are no detailed drawings or site plans. With such significant changes, more detail is required to substantiate them.

Chairman Robbins further explained that the Final Environmental Impact Statement has deeded restrictions and covenants for all the property in Lost Lake and what can be done on each of those lots. The impact of changing to a timeshare ownership needs to be explored.

Mr. Weinberger asked the Board for a decision on the timeshare ownership only and not the other items. Attorney Ricciani explained that the Board cannot do a segmented review. They need to review everything at the beginning regardless of whether the project is completed in phases. Attorney Ricciani added that the Board is not saying yes or no. The Board is asking for more information in order to make a decision.

Mr. Weinberger stated that their offer was based on the information given to them by Double Diamond which was that the Town would prefer Love Lake over others because they pay taxes. It comes down to what is good for Forestburgh. Chairman Robbins explained that the decision is not made based on “what is good for Forestburgh” or who we might prefer to have as neighbors, but on the data submitted and the law. The issue is whether they’re compliant with the standards of a Planned Development District zoning law. This is a very specific zoning district. There are standards and requirements for this specific property.

Mr. Weinberger again expressed his concern for the deadlines provided by Double Diamond. Attorney Ricciani explained the meeting schedule and submission deadlines. She further stated that the request for a “letter of no objection” doesn’t exist from this Board. Mr. Weinberger asked if 2 months is sufficient timeframe for a decision. V. Galligan explained that there is no specific timeframe. It’s up to Mr. Lam to provide the information so the Board can evaluate it.

Kalvin Gorr attended the meeting and spoke in favor of this project. He is working with Mr. Weinberger to help broker this deal with Double Diamond. He was employed by Double Diamond and was involved with the approvals for Lost Lake.

Mr. Gorr is aware of the process and the current issues. Mr. Lam is the most serious buyer he’s found. He’s hoping that the Board will give consideration. A. Cardoso explained that the Board is happy to consider the application if given the proper materials. Chairman Robbins added that the Board has a process that will be followed as timely as the law allows.

Attorney Ricciani explained that an application is not just a multi-page form to be filled out. Site plans, engineering plans, traffic studies, other engineering studies should all be included. All of these collectively make up the application which will be reviewed in a timely manner.

Mr. Gorr asked Town Engineer, Tim Gottlieb what difference there would be with new traffic data. T. Gottlieb advised that a road is crossing a wetland and this should be given serious consideration. He added that DEC approval will be required.

Mr. Lam stated if the timeshares are not approved, they won't buy it. Their concern is that it's going to cost a significant amount of money to get the information requested. He wants the decision first before he spends more. He'll submit the plans later.

Mr. Weinberger asked for a decision about timeshares. Attorney Ricciani again stated that information needs to be presented on how timeshare ownership will impact and change this project. What is being requested is dramatically different from what was approved.

V. Galligan re-iterated that the applicant needs to show the Board how a timeshare won't adversely affect the project and it will be reviewed.

Mr. Gorr asked for a timeframe involved. T. Gottlieb provided a guess of 5 years because the project needs to be redesigned. They are building on very steep slopes. The DEC will need to be involved because roads are crossing a wetland. A site engineer needs to look at the plans.

Mr. Lam questioned why the Lost Lake maps were approved with only two roads. Chairman Robbins stated that the phases on the master plan were conceptual designs. Site plan approval has only been given for Phase 1. Other parts of the project have not been approved yet. Any change to the master plan needs to be supported. Site plan approval was not given for the entire project.

Mr. Lam asked the Board for a letter of what needs to be changed. Chairman Robbins explained that it is not the Board's responsibility to design the project. They need to submit an application for what they want and the Board will review it. When additional data is provided, it will be reviewed.

#### **Planning Board Member Comments on Items Not on the Agenda**

K. Barnhart suggested another item be added to meeting agendas to allow for public comment on items that have been discussed at the meeting. Chairman Robbins agreed to add this item.

V. Galligan pointed out that the application needs to be updated. Clerk B. McGinnis explained that the application is being typed from scratch as we have not been able to locate an electronic version that can be edited. T. Gottlieb may have an electronic version and will provide it to the clerk.

#### **Public Comments on Items Discussed at this Meeting**

Millie Hogue attended a recent Town Board meeting where Mr. Weinberger and Mr. Lam made comments indicating that a religious group would purchase the Lost Lake property. These comments upset her and this is what prompted her to attend our meeting tonight. She was again upset to hear the same comments. Also, at the Town Board meeting, there was discussion about the IDA and Mr. Weinberger stated they wouldn't contact the IDA. At tonight's

meeting, he mentioned that they contacted Walter Garigliano of the IDA. It bothers her because she has heard of conflicts with him.

Justin Evans asked if they can build a religious building without an approval. Mr. Evans stated that Mr. Weinberger threatened that if they didn't purchase Lost Lake, a religious group would. Chairman Robbins stated there is no provision in the Lost Lake approvals that include religious buildings. A. Cardoso explained that a building inspector would not be able to approve a building permit or certificate of occupancy for that structure. All groups have an equal opportunity to submit an application for whatever they want to build. The identity of the applicant is irrelevant.

Motion to adjourn at 8:37pm made by K. Barnhart, seconded by A. Cardoso.

Vote: All in favor.