

TOWN OF FORESTBURGH PLANNING BOARD
MINUTES
January 28, 2020

The meeting was called to order at 7:02pm 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

Town Attorney: Jacqueline Ricciani

Recording Secretary: Billie Jean McGinnis

Approval of Minutes

Minutes for the November meeting were reviewed. There was no December meeting.

Chairman Robbins would like to add that not only did he recuse himself from the Hartwood Properties discussion, but he also left the room. After the vote, but before the Planning Board Member Comments on Items Not on the Agenda, Chairman Robbins returned to the room.

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

Public Comment on Agenda Items

There was no public comment.

Forestburgh Pond

Alan Lord presented the application for Forestburgh Pond on behalf of New York Land & Lakes Development. Bob Lesperence, managing partner for New York Land & Lakes Development was also in attendance. There are 21 parcels which all meet the road frontage requirements. There will be a homeowner's association that will own about 15 acres including the lake, dam and cabin. Mr. Lord is hopeful to get a public hearing scheduled.

Chairman Robbins identified that there are several items in Glenn Smith's engineering report that need to be addressed. Glenn Smith discussed his review of the project at length as outlined

in his report of January 22, 2020. Several items need to be clearly identified and defined on the map.

Mr. Smith identified that 5 lots are less than 5 acres in size which mandates review by the NYSDOH. Mr. Lord has already addressed this issue. The lots will be 5 acres or more to avoid such a review.

Stag Forest Road needs to have the right of way limits and existing homes shown. The right of way or Shared Use Agreement should also be referenced.

Stag Forest Road will require an upgrade to a minimum of 20' width with a cul-de-sac or tee turnaround to accommodate emergency vehicles. The Fire Department should also review the turnaround and access locations.

Mr. Smith also identified changes that should be made to the EAF as noted in his report.

J. Ricciani asked questions about Stag Forest Road and East Access Road. There are existing houses that use that road. Is this a deeded right of way? Mr. Lord has not reviewed the language on the deeds yet. Victor Grund, attending the meeting as a member of the public, owns property at 20 Stag Forest Road. He has deeded access from Route 42 to their property. Mr. Lord identified that Mr. Grund's access goes over Forestburgh Pond's land, but Forestburgh Pond is not going over Mr. Grund's land.

J. Ricciani asked about other roads shown on the map. Mr. Lord explained that they will be part of the homeowner's association.

Chairman Robbins asked how the owners of Lot B access Stag Forest Road because their driveway doesn't appear on the map. Mr. Lord explained that they have a driveway which needs to be defined better on the map.

R. Sipos asked if there is another access or logging road across from the cemetery. Mr. Lord says there is another road on Lot 4 but it's not being used for anything. The culvert was removed by the State for some reason. It was better sight distance to move the road to where a culvert exists.

Chairman Robbins stated that the Code has specific requirements as to what needs to be shown on the plan; one of which is a copy of the current deed and any deeded easements. Those items will be needed when Forestburgh Pond returns to the Board for approval.

Chairman Robbins pointed out that the Code requires all utilities to be underground. He asked Mr. Lord how he plans to be compliant to the code. Mr. Lord will use what is already existing. At minimum there needs to be a notation that all utilities will be underground.

Chairman Robbin asked about park land reservation. Mr. Lord is not providing park land and will be paying a fee instead. This also needs to be identified.

Chairman Robbins asked for a supplement for the escrow. He proposes another \$2,000.00 to be paid when the additional materials are submitted.

J. Ricciani asked if they are going to improve East Access Road. Mr. Lord explained that the road will be improved only up to the last driveway. They will give access to East Access Road as it extends from Lot 19 into Lot 18, so they don't have to cut a new road. This will be shown on future maps. They will have the right to use it, but it will not be an improved road. They will be able to share the entirety of the road. The road is in the buffer area.

A. Cardoso asked if there is currently an agreement in place to use this property. Mr. Lord indicates that there is lease agreement that will need to be amended. There are 30 people using the hunting camp.

A. Cardoso asked if there are any restrictions to house sizes. Single-wide mobile homes are not permitted. R. Sipos asked if double-wide homes are allowed. The Code only specifies single-wide homes are not permitted.

A. Cardoso asked about the length of the driveways as measurements are not noted on the map. Mr. Lord explained that driveways are at least 200' to leave some green space between the road and the home.

A. Cardoso asked about the plan for a forested buffer between the road and the houses. The idea is to preserve the corridors. J. Ricciani stated that in the covenants for the parcels, there is a limitation for tree removal. V. Galligan also noted that they should not allow lots to be clear cut. There is a concern that the property could be sold for timber. Mr. Lord will look into this. The intention is to keep it looking as it is and not have a lawn all the way to the lake. He will look into language to limit forestry practices and cutting timber over a certain threshold. Chairman Robbins stated that this is a concern and Mr. Lord should submit the proposed language for review.

A. Cardoso asked to preserve the rock walls except where you need to cut it. Mr. Lord placed driveways where there was a break in the stone wall and also used the stone wall as property lines.

A. Cardoso asked if there are any intentions on improvements for use by the HOA such as a beach, docks etc. Mr. Lord indicated that nothing has been planned yet. V. Galligan asked for the intended use for the cabin. We need more information about the use of this existing building.

A. Cardoso stated that there is an effort in the town to change the zoning which could allow commercial use along that corridor. Some of these lots may or may not have the ability in the future to become commercial. Your covenants indicate that these lots are for single family homes. Would that be contrary to their goals to use these as commercial lots? Mr. Lord explained that they should have a deed restriction to residential use only. Bob Lesperence added that they will review the language in their application to make sure it reads as single-family dwelling for residential purposes only.

Marvin Rappaport, attending the meeting as a member of the public, asked if this application is submitted with a covenant for single-family residential homes and then the zoning changes, which supersedes? J. Ricciani stated that the covenant supersedes. He also asked if a homeowner wants to put a driveway along Route 42 or Hartwood Road, is there anything that prevents them from doing so? J. Ricciani stated they would need a driveway permit and the Town or County may not want so many driveways on that road.

Mr. Lord will make a note that Lots 6, 7 & 8 will be the only homeowners to have access to Stag Forest Road. Lots 17, 18 & 19 will be the only homeowners to have access to East Access Road.

V. Galligan identified that the last inspection of the dam was done 6 years ago. Is there any plan to have it inspected again before turning it over to the HOA? Mr. Lord stated that Keystone Engineering has looked at the dam. They are waiting for a report. Any issues will be addressed before it is turned over to the HOA and before the Board approves it.

V. Galligan asked if the green buffer zone in the HOA will have any access? How will hunting or fishing work with the HOA? Mr. Lord stated there will be no access and no trails. It will be undisturbed. The HOA has their own rules and by-laws that can be changed any time. Covenants on the deeds cannot be changed. Mr. Lesperence stated they will review the language to address this.

V. Galligan asked if there are any conflicts with the current existing homes? J. Ricciani asked the homeowners in attendance if they have deeded access to the lake? They do have deeded access. A. Cardoso stated that in some areas there is a way to set it up that even if you have deeded access to the lake, you still have to follow the rules of the lake created by the HOA. Mr. Lord will review that language with their lawyer.

S. Hawvermale asked if all HOA members are allowed to put a dock on the lake. Mr. Lord stated that only owners with lake frontage will be allowed to put a dock. If you don't have frontage on the lake, the only access to the lake is through the common area by the dam. R. Sipos asked how the upkeep on the dam impacts the liability of the 4 homeowners on the lake. Chairman Robbins advised that they have access to the lake, but they do not own the lake.

Chairman Robbins identified that there is a reference to Woodward Lake on page 26 & 27.

Chairman Robbins noted that this application is not yet complete. A public hearing will not be scheduled, and the Planning Board will not designate themselves as lead agency. He asked that Mr. Lord carefully review the Code and provide additional information as discussed. Chairman Robbins asked that when the application is complete, that 2 extra sets are provided: one for highway department and one for the Fire Department.

A. Cardoso asked about coordinating access to the property for Forestburgh Pond. J. Ricciani reminded that no more than 3 people are allowed at any one time because that constitutes a meeting. Mr. Lord asked for notice for safety reasons as this land is used for hunting purposes.

Planning Board Member Comments on Items not on the Agenda

There are no comments.

Public Comment on Items Discussed During this Meeting

There are no public comments.

Adjournment

Motion to adjourn at 8:26pm made by K. Barnhart, seconded by A. Cardoso.

Vote: All in favor.