

TOWN OF FORESTBURGH PLANNING BOARD
MINUTES
June 30, 2020

The meeting was called to order at 7:00pm by Chairman Richard Robbins virtually, via Zoom.

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

Absent: Katherine Barnhart

Town Attorney: Jacqueline Ricciani

Recording Secretary: Billie Jean McGinnis

Approval of Minutes

Minutes for the May meeting were reviewed.

Motion to Approve the minutes as drafted made by S. Hawvermale, seconded by R. Sipos.

Vote: All in favor.

Forestburgh Pond

Chairman Robbins reported that at our last meeting, we declared our intent to serve as lead agency. Notice has been delivered to other agencies involved. We have not received response from any of those agencies. Since then, the applicant has hired a consultant to investigate the potential for lead contamination and provided a report. To date, we have not received a response from the Town Highway or Fire Department with regard to this application.

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. There will be a homeowner's association that will own about 15 acres including the lake, dam and cabin. Glenn Smith, is the Town's engineer with respect to this application.

Chairman Robbins asked if they will submit a corrected EAF containing the lead contamination report. Mr. Lord hasn't thought about where that would be noted. They're waiting to hear back from the DEC for their recommendation. This sits on ledge rock and they are not able to get

enough soil to test properly. He doesn't know the horizontal and vertical extent of the lead contamination, including possible water contamination. No one would be building right on top of the area. Worst case scenario would be to add a note to the map stating to test water before consumption as it may be contaminated, and a treatment system may be required. Mr. Smith stated that it seems to be localized but suggested waiting to hear back from the DEC. Chairman Robbins asked if there are present plans to remediate this contamination? Mr. Lord responded stating it's pending a response from DEC.

Regarding the dam, Mr. Lord indicated that he has an updated plan but repairs have not been done. They are working on engineering. They're trying to get the plans from the 2014 repair work. The DEC hasn't been in their office due to the pandemic. The engineer doesn't see anything substantial. They are seeing leakage through the stones. Chairman Robbins indicated that the report characterized the dam as "poor condition" which is alarming. Mr. Lord says it needs attention. It is in their plans to do that once they own the property.

S. Hawvermale asked Mr. Lord about the new maps which show septic tanks that were mentioned. Chairman Robbins will email them to the Board members. Mr. Lord received them late and did not provide hard copies.

With regard to the firing range, S. Hawvermale asked if it is entirely on bedrock ledge. Mr. Lord responded yes. There is soil where the seat is but the far end, near the 100' target is all bedrock. It was difficult to get soil samples. The most worn area is under the target. They can go outside that area to get soil samples but they won't be as accurate. There's more soil there and the lead wasn't showing up as prevalent as those samples.

S. Hawvermale asked if the trail and area is still going to be used as a shooting range once they have the property. Mr. Lord stated that it actually crosses the property line so there's no plans to use it. The only way homeowners could use it is to get together and decide that's how they want to use it.

A. Cardoso indicated that his concern is the analysis on leech fields and if they'll have an impact on the lake. Mr. Lord explained that all leech fields are away from the lake and some are on the opposite side of the hill from the lake. The setback is 100'. Lot 9 is the closest and that has a 200' which is double the minimum that it needs to be.

A. Cardoso questioned about the funding of the HOA. How much funding is his company going to initially fund the HOA, especially for dam maintenance. Mr. Lord explained that they're going to repair the dam according to the engineer's recommendations. They're not going to turn over a dam that needs repair. There's a contingency that would accumulate year after year to provide repairs on the dam.

A. Cardoso asked how many lots do they need to sell before the HOA can be meaningfully formed to provide ongoing maintenance for the dam?. Mr. Lord explained that they run the HOA until all the lots are sold. The company is responsible for providing maintenance if there isn't enough from the homeowners.

A. Cardoso asked if they'll remove the shooting range structures entirely and if they did testing to check for lead beyond the targets. Mr. Lord responded yes, there's a bench and targets that will be removed. They tried to check for lead in "the hot zone." They tested 6 composite samples which is the norm. They could have done more sampling but wanted more direction from the DEC. Normally the consultant would recommend digging deeper but that's not possible here.

A. Cardoso asked if they have been able to move all of the proposed clearing out of the buffer? Mr. Lord indicated that there are a few that remain, such as lot 21. A good portion though were moved. He thinks there are 3 lots that go into that 75 yard setback. A. Cardoso suggested that the Board may want to recommend additional plantings to maintain that corridor.

V. Galligan asked if Mr. Lord has addressed the concerns by the existing homeowners adjacent to property on the pond specifically about road improvements, access and turn-arounds. Mr. Lord explained that he doesn't know that they can adequately answer the questions. Some of the existing homeowners are not in favor of the subdivision so it's hard to say that they've been provided adequate answers. The one neighbor in parcel E has mowed their lawn all the way to the lake with no buffer, no trees. There's nothing they can do about that. They've chosen to mow all the way to the lake, so they haven't lessened the chances for someone to peer into their window. Other than that, they've adequately addressed it.

V. Galligan asked if the cabin will be brought to current requirements. Mr. Lord explained that public cabin has an illegal septic. The water, sewer and electric will be removed. It will just be a shell or torn down. It's not safe. There's a lot of stuff in there and it's hard to assess until it's empty. But the building will exist.

Mr. Lord explained that they've complied with the rest of Mr. Smith's comments. They tried to get the engineer to move many of the septic back from the buffer area. He was able to move quite a few back to avoid the front yard setback greenbelt. The new plans reflect that.

J. Ricciani followed up with regard to access to the interior lots. Lot B needs to go through Lot 7 to get to the right of way. Mr. Smith pointed out that there are several notes on the maps. J. Ricciani will review this further to be sure the easements are sufficient.

Mr. Smith noted that the septic areas in the 75' buffer are reserve areas which are rarely built upon.

Chairman Robbins indicated that the next course of action is to discuss the public hearing under SEQRA. Since they are waiting on the decision of the DEC, would the applicant rather schedule the public hearing or wait to hear back from the DEC? Mr. Lord would rather have the hearing to see if there are any other items that come up. The more input, the better.

Chairman Robbins stated that the Board has made the determination that the preliminary application is complete. He entertained a motion to schedule a public hearing for July 28th. Motion made by S. Hawvermale, seconded by A. Devlin.

Chairman Robbins explained a requirement that they must serve Sullivan County Development and Real Planning for a 239 review. He's optimistic that they'll have those reports by 7/28. If they're not back, the Board will need to hold the hearing open.

Vote: All in favor

Chairman Robbins directed Mr. Lord to send it to county planning.

J. Ricciani explained that with respect for this notice for the hearing, the clerk will draft the notice and provide it to the applicant. This is a SEQRA hearing, not a hearing for the subdivision. She further advised that the applicant must provide 14 days notice to property owners within 500 feet, via certified mail. The public hearing must be advertised by the applicant five days before in newspaper. They must also install a sign visible from the road.

Chairman Robbins asked that the applicant post a sign in front of Lot 8 on Stag Forest Road, and on 42 and Hartwood Road in front of Lot 9.

Planning Board Member Comments on Items not on the Agenda

No members have comment.

Public Comment on Agenda Items & Items Discussed During this Meeting

Chairman Robbins read an email from Dennis Gillan dated May 29th.

Jen Langusch who lives at 68 Stag Forest Road commented that at the last meeting, V. Galligan asked about the condition of the road and Mr. Lord responded that there will be no significant changes to the road. She mentioned at last meeting that the road washes away when it rains. Has any consideration been given to change the improvements of the road?

Mr. Lord responded that he isn't sure where that information came from. The road will be widened to 20ft wide, re-graveled and with drainage. The plans show it to be widened to meet fire code. The drainage will run down the left side of the road on to their land until it's down

passed the cabin to a culvert under the road. Water will not drain onto anyone's property. Mr. Smith also pointed out that the plans also show the re-grading of the steeper section of the road.

A. Cardoso noted that the email mentioned a water system. He thought they were individual wells. He asked if there is a central water system? Mr. Lord explained that there is a wellhouse on Lot 6 that used to provide water to several other cabins. They have since drilled their own wells. It only provides water to the two cabins on their lot. They are going to unhook it from the cabin by the dam and it will be solely used by Lot 8. There is no water system there.

Adjournment

Motion to adjourn at 7:51pm made by A. Cardoso, seconded by S. Hawvermale.

Vote: All in favor.