

## Audio file

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## Transcript

00:00:02 Chairman Robbins

It is 7:00 o'clock. We'll start with the Pledge of Allegiance. There's a flag behind me in my virtual background, so we'll pledge to that. I pledge allegiance to the flag of the United States of America. And to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

So our first item of business tonight is the public hearing on Birchwood Estates and I'm just going to interrupt myself for a moment and send the link to one of our Board members.

00:01:02 Unrelated background noise

00:01:17 Chairman Robbins

That's Anthony, he'll be signing in shortly. I thought I would just before we actually call the public meeting, the public hearing to order, just give a little background about what the public hearing is about. This is the Birchwood Estates public hearing. Birchwood Estates seeks to subdivide its 245 acre parcel in Forestburgh into 3 parcels a flag lot of approximately 3 acres, a lot with a ball field of approximately 3 1/4 acres and the remaining portion of the large lot from which the other two are subdivided out.

All material with this regard to this application have been posted on the website, including the recently received 239 from the county expressing that this is a matter of local determination.

Notice of the public hearing has been published at Town Hall, the Firehouse, the general store, the Forestburgh website, Sullivan County Democrat, and the Forestburgh newsletter. In addition, specific uhm notice has been sent by certified mail to all of the neighbors.

Uhm the law establishes a procedure for public hearing on all applications such as this one. Members of the public are given a right to be heard on the application. It's not a question and answer period, it's just an opportunity to be heard by the decision makers.

Uhm I asked that you indicated desire to be heard, wait until I recognize you, unmute yourself if you are muted and indicate who you are and speak slowly. Once you've completed your comment, I'll recognize the next person seeking to offer public comment. OK, uhm and I guess at this point I will ask uhm, for a motion that we open the public hearing, do I have a motion from any Board members that we open the public hearing?

00:03:09 S. Hawvermale

So moved.

00:03:10 Chairman Robbins

And the second.

00:03:13 R. Sipos

Second.

00:03:12 Chairman Robbins

Second. All in favor of opening the public hearing indicate by saying aye.

00:03: A Board Members

Aye.

00:03:17 Chairman Robbins

OK.

00:03:18 J. Ricciani

Mr. Chairman, before the public hearing begins, were you expecting another board member to join?

00:03:26 Chairman Robbins

Yeah Anthony, I expect to join and Katherine has indicated, although she's out of town, she anticipated joining as well and I'm just about now to admit Anthony. And I haven't heard from Katherine recently, so I'm I'm going to reflect that she's absent at the moment, but I believe we have a quorum.

00:03:47 J. Ricciani

We do have a quorum and uhm for the record uhm, BJ, can you confirm that you've received the proof of mailing in publication?

00:03:57 B. McGinnis

I have received it.

00:04:00 J. Ricciani

Thank you.

00:04:01 S. Hawvermale

Richard, Is Vinny gonna be joining us?

00:04:05 Chairman Robbins

Vinny is no longer a member of this board.

00:04:08 S. Hawvermale

I'm sorry, I mean Vinny. I I had a question later, sorry.

00:04:13 Chairman Robbins

It's OK. Are there any members of the public, and if you have video, you can indicate by raising your hand and if you lack video uhm, could you just and unmute yourself and indicate out loud that you'd like to be heard on this application or for this public hearing? Mr. Shannon Leaney-Levenson, can you unmute yourself? Let me see if I can help you. OK.

00:04:57 A. Leaney-Levenson

Good evening, my name is Arthur Leaney-Levenson.

00:05:01 Chairman Robbins

We can hear you.

00:05:02 A. Leaney-Levenson

OK I live right across the street from Birchwood estates. We've had issues before during and currently still. Uhm back in 2015 when they originally. Posted that they wanted to put in the boys camp. I had, you know, me and my family voiced our concerns then. One of several of the issues were that they were supposed to redo a double layer of trees to help block out the noise and the view of their estate. Uhm, we were sent the letter afterwards, you know after they came in and put in the septic system. That's about the only thing that they've done to that. Instead of going through doing any other building process of it. They never went through. Finished off the other than capping off the septic. They never went through. Finished off putting in the tree line. They never put in a double tree line that they had said. Right now we've got the only thing we get to see is a rundown fence, a worn down trailer, a whole bunch of decapitated trees that have been left around. Over towards their swimming pool we get to see their garbage cans. The they at one point would just have the garbage out with cardboard. We were told the cardboard was temporary. It's only temporary every year when they're there, 'cause it always comes back. So, so that's our previous issues.

Going forward, you're looking at a very large, you know, a small house with many bedrooms and a huge driveway. We have a concerned that with the driveway are they going to be putting lights up to take away from our, you know, way of life, uhm? There's, you know, we still have no trees or privacy fence. And, you know, we keep on talking about, you know the ball field. The ball field is just the field. What's going to stop them from putting in a house right there also? I think what needs to be looked at is a complete, you know, what they plan on doing with the whole property, not just the bits and pieces that they don't do from the last time. I think that's about my concerns and issues.

00:08:01 Chairman Robbins

I want to thank you on behalf of the Board for speaking. After the public hearing, our agenda reflects that we're going to be addressing this application and I anticipate that you'll hear some of your concerns expressed. But either way, we thank you for your public comment. Are there other members of the public who would like to be heard in respect to this application? Hearing and seeing no indication from any other member of the public seeking to be heard on this application. I will entertain a motion to close the public hearing.

00:08:42 S. Hawvermale

Can I just ask Richard, did we have any correspondence in terms of the public hearing about this project?

00:08:50 Chairman Robbins

None has been received by me. B.J., I don't think you've received any. Am I right?

00:08:54 B. McGinnis

I haven't received anything either, nothing.

00:08:56 Chairman Robbins

That there has been no such written comment made.

00:09:04 S. Hawvermale

OK. Then I move to close the public hearing.

00:09:07 Chairman Robbins

Do I have a second?

00:09:11 A. Devlin

I will.

00:09:12 Chairman Robbins

OK, all in favor of closing the public hearing indicate by saying aye.

00:09:14 All Board Members

Aye.

00:09:15 Chairman Robbins

Anyone opposed?

00:09:20 Chairman Robbins

OK. Thank you very much that is our public hearing will now proceed to the agenda for the regular Planning Board meeting for the month of February and our next item. Our first item on that agenda is the approval of the minutes. Uhm B.J. has circulated minutes. Susan has made and circulated two changes to the first page.

00:09:48 S. Hawvermale

Second page.

00:09:53 Chairman Robbins

OK, Yep, second page. With those changes that Susan is circulated to everybody. Do I have a motion to approve the minutes?

00:10:09 A. Cardoso

So moved.

00:10:09 Chairman Robbins

A second? Bobby. That's a second. Any further discussion on the minutes? All in favor of approving the Minutes, as drafted and amended by Susan indicate by saying aye.

00:10:25 All Board Members

Aye.

00:10:27 Chairman Robbins

Any opposed? OK. Next, are there any public comments on any agenda items? OK, then we'll proceed to the Birchwood Estates application. Glenn, the floor is yours.

00:10:50 G. Smith

Oh thanks Mr. Chairman. I'm Glenn Smith, engineer for Birchwood Estates. Do you want me just to kind of recap where this is Mr. Chairman and kind of show a few minor tweaks that we've done since the last meeting I attended?

00:11:03 Chairman Robbins

Yes

00:11:04 G. Smith

In in, in which case, if I could share a screen for that, it might be helpful.

00:11:10 Chairman Robbins

I think I've given you that power.

00:11:12 G. Smith

Yeah, I think we got there. Alright. OK, let me go to well, just this first plan, can everybody see the plan? It just came up.

00:11:28 Chairman Robbins

Yeah

00:11:29 G. Smith

Yes, this is kind of the overall site. The orange boundary is the 245 acres owned by Birchwood Estates on the Forestburgh side of the line. The Town line between Thompson and Forestburgh kind of runs diagonal on the, on the right orange line. And the development to the, on the right side of the plan that's in the Town of Thompson. That's Birchwood Estates that was approved several years ago in Thompson, with the maximum of 70 homes. Uhm so, the proposed subdivision, and I'll go to a bigger map in a second, is this little area right here, kind of outlined in red. That's roughly 3.1 acres. That's one lot. The other second small lot where the ball field is is right here in the corner and the only reason that

lot was created, a separate lot, because we need a driveway coming into the site and and this proposal out here kind of cuts off the corner. So we've got a small lot here small out here and then the remainder of the property is roughly 240 acres, which is vacant. It's going to stay vacant. There's no plans for any development on that site there at all.

Jump over to this is a little larger plan. Again, the town line runs diagonal through here. Thompson side of Birchwood Estates on the right, Forestburgh side is on the left here, and the proposal is to create this lot here, which is roughly 3.1 acres for a single family house with a well to be drilled. We're going to use the septic system that was constructed back in 2015 for the boys day camp which has been deleted, eliminated, is no such thing anymore, there's not gonna be any camp built. So, that septic was never used. It's still there, so we're going to tie into that septic with a pump station from the house.

And again, we're showing a driveway from Rod & Gun Club Road into the property. And I think at the last meeting somebody asked, a board member asked, so you know what's going on with the house? The last house on the Thompson side right here. The gentleman that owns that house wants to put up another house for his family members. There's no more room in Thompson, all the, even the vacant house sites that haven't been built yet, are sold. This is the only way you can go was next door into Forestburgh, so that's the reason for this. This lot here. And because your zoning requires they said two point, minimum 2.3 acres a lot. That's why the lot is cut out the way it is. It's actually, and as Tim Gottlieb pointed out a while ago, we can't count the flagpole section. So the 2.3 acres is in this rectangular section of the lot here, which makes a whole lot about 3.1 acres. Again, for a house, drilled well and septic system and driveway. The ball field will remain as is. There is a well that was drilled a couple years ago here, which is a third well for Birchwood Estates next to the ball field. That's not going to change at all and again, the rest, the remainder of the property, the roughly roughly 240 acres will stay as is.

And lastly we just had actually just received the subdivision map today from our surveyor. I, I haven't got it to the Board yet. I'll get to Tim Gottlieb also tomorrow, but this is the subdivision plat of the property. Again, Rod & Gun Club Rd is along the bottom here. The town line is here, Thompson on the right, Forestburgh is on the left and basically, the bounds of this proposed lot is essentially the same as on the map, my map I just showed you. The ballfield lot parcel stays here. And again with the gentleman who spoke earlier about the double row of trees. That double row of trees was on the approved plan in 2015 tied into the boys date camp to screen the boys day camp, as I said that day camp building has now been eliminated. It's not going to be built, so I think that's why Birchwood never planted that row of trees along there. That's pretty much it, Mr. Chairman.

00:15:15 Chairman Robbins

Thank you. Uhm, there's a couple of questions that I have and I'm sure there may well be questions from other Board members. A question that I asked you earlier uhm was whether it was your client's intention to formally abandon or surrender uhm the special use permit that it had received. Uhm, you indicated to me, uhm, that you hadn't, actually complemented the question, that it hadn't actually been discussed. You anticipated a response, have you since that time received uhm a formal indication from your client that they are, they are surrendering the special use permit that they got for the permission to build the camp and the associated structures with it.

00:16:09 G. Smith

I apologize. Verbally, I said yeah, they're not going to do that. They'll surrender, but I'll get something in writing saying that Mr. Chairman. That would just to make sure it's all legitimate, but they, they have no intention of ever building that boys day camp at this point.

00:16:20 Chairman Robbins

OK.

00:16:21 G. Smith

If they did, they'd have to come back and start the whole process all over so it's, it's a dead deal.

00:16:27 Chairman Robbins

OK, thank you. I appreciate receiving that formal surrender. The, I guess the, the next question I have is, uhm is it your client's plan, actually, he's not your client, the by the prospective buyer of this newly subdivided lot that we, we learned tonight is the next door neighbor is a relative of the last house.

00:17:02 G. Smith

This house this house right here, yes.

00:17:03 Chairman Robbins

Yeah lot 9 right?

00:17:05 Chairman Robbins

Uhm, is it their intention, are you aware that they want to put lights on that driveway?

00:17:12 G. Smith

No, no lights in the driveway, not at all, and I can put a note in the plan saying that if you want.

00:17:17 Chairman Robbins

Seems reasonable to me but we'll discuss it as a board as well. OK, uhm a d do we have any, so the lot, the driveway divides the sub, the softball field from the drainage area, the Storm water basin for the ball field. Is there a specification or have you arrived at a specification of how the water is going to be transmitted from the drainage of the storm drains from the baseball field across this lot to the stormwater basin?

00:17:57 G. Smith

On this current plan is hard to see. Here we show a culvert pipe going under the driveway to that, and I think I indicated at a prior meeting which is not on the plat map I got today. We'll do an easement across this lot right here to cover that, that a culvert pipe basically granting the rights to send water from the ball field into that storm water basin.

00:18:16 Chairman Robbins

OK.

00:18:17 G. Smith

That will be on the final map.

00:18:18 Chairman Robbins

Thank you. Are there other Planning Board Members who have questions or concerns that they'd like Glenn to address? Susan?

00:18:26 S. Hawvermale

Yeah Glenn, what is the intent of the ball field property when this property is divided?

00:18:36 G. Smith

Well, the ball field is still pretty much, we're cutting out maybe 10 to 15 feet or so at the edge of the ball field. It's still going to be used by the folks in Birchwood Estates for playing ball. They're not going to develop it or build anything on it. They, they use it for recreational purposes.

00:18:50 S. Hawvermale

OK, I I mean I remember when this came before the planning board several years ago. Is the building of the double row of trees, does it have to have a boys day camp to do that? I thought the intent was a double row of trees was going to be built no matter what.

00:19:14 G. Smith

No, the double row trees came up during the review of that for that boys day camp because there's going to be I don't recall, 40 to 50 boys using it, in and outside inside and making noise that boys do. That was the reason for the trees. I think that's why Birchwood never put them up 'cause they never built a camp. I mean, we could look at maybe putting a row of trees along there for some additional screening along the road there.

00:19:36 S. Hawvermale

But is that, uhm, because I I would have to go back in my records and I did not do it 'cause this issue did not come up before, but was that contingent upon the boys day camp or was that always in the plan? My understanding was it was always in the plan whether it's a ball field or boys day camp.

00:20:01 G. Smith

I'm quite sure it was tied into the day camp, but again I have it, it's in my notes also. I'll check and see before the next meeting and see what the what that was, I thought that was tied in with the day camp, not really, really related to the ball field.

00:20:13 S. Hawvermale

OK, 'cause I know that there were issues with the neighbors both about the noise and about the lighting situation in years past.

00:20:17 G. Smith

Right, Yep.

00:20:24 S. Hawvermale



I would feel more comfortable if there were a double row of trees there to protect the neighbors from whatever activity is going on in the on the ball field.

00:20:36 G. Smith

OK.

00:20:37 Chairman Robbins

Yeah, I would note Susan and Glenn and everyone else that the minutes of the meeting the Town Board meeting where the special use permit was granted reflected the trees but it didn't reflect that it was contingent on the camp. The minutes may not have reflected all that had been submitted, so I appreciate, Glenn, you're getting that, but regardless of what those minutes provided, I think the Board may well see the wisdom irrespective of the prior special use permit, we may see the wisdom in this site plan approval or in this subdivision approval process to include that as a condition that, that's that's going to be something that we'll discuss as a board together.

00:21:21 G. Smith

OK

00:21:21 S. Hawvermale

Yup, well my understanding was that the double row trees was not conditioned contingent upon any usage of that ball field.

00:21:32 Chairman Robbins

Right, that I mean that there is nothing that reflects it being contingent on the ball field in the minutes of the meeting that we have reviewed but irrespective of that, I think we need to discuss it in this context, and I certainly see the wisdom of it personally, but I'm just one member.

00:21:49 S. Hawvermale

So, as far as we know, that piece of property will only be used as a ball field?

00:21:56 G. Smith

Correct and it has one and it has one of their main wells on it too, but that's it, yes.

00:22:01 S. Hawvermale

Right. OK. Thanks.

00:22:04 G. Smith

You're welcome.

00:22:05 Chairman Robbins

Any other board members who have comments or questions to make in regards to this application?

00:22:16 R. Sipos

I do.

00:22:16 Chairman Robbins

OK, uhm I'm not seeing it 'cause my screen isn't big enough. Is that Bobby?

00:22:22 R. Sipos

Yes.

00:22:23 G. Smith

Should I un-share Mr. Chairman? Is it OK with you?

00:22:25 Chairman Robbins

You know, I think that in due of the fact that the questions may reference this, let's keep it up for the moment.

00:22:31 G. Smith

OK, all right fine.

00:22:32 Chairman Robbins

So Bob, Robert, do you want to, was that you who indicated you had questions or concerns?

00:22:37 R. Sipos

Yes, yes, thank you. Glenn, quick question on that driveway going into the house, the new house, they're not, there wouldn't be any chance that they would use that as a more of a parking lot style to access that ball field at a different time, would they?

00:22:56 G. Smith

No, they, people go the ball field, when I see them, basically walk there. There is, there is parking on the Thompson side. It's quite a bit of parking in this area here and by the pool they, there'd be no reason to park over there, no.

00:23:09 R. Sipos

Right, so that's basically just a driveway, period?

00:23:13 G. Smith

A driveway for this residence. Period. Exactly. That's what its for.

00:23:17 R. Sipos

OK, thank you.

00:23:19 G. Smith

You're welcome.

00:23:21 Chairman Robbins

Any other board members with questions or concerns to, to address to Glenn? OK uhm, so I guess Jacy, correct me from a procedural point of view. Is this the point in time when we should go through the rest of the SEQRA process?

00:23:46 J. Ricciani

I'm, I'm, I'm going to recommend, well you already mentioned the 239 review, but I'm going to recommend that you receive and file that as part of the file, just in case there's anything in there that might be relevant to the environmental review and then yeah, you can do part two of the EAF.

00:24:08 Chairman Robbins

OK then Glenn, I'm going to ask you to take this down and I'm going to screen share that. The, the 239 has been posted online and we have that. And it simply indicated, not simply, but it indicated that it was a matter for local determination.

00:24:36 J. Ricciani

Richard, you should also review your engineer's comments in case there's anything there related to your future discussion on this project. I know Tim's comments were brief, but he did submit them.

00:24:51 T. Gottlieb

Right.

00:24:51 Chairman Robbins

Yeah it should be, but Tim, just kind of reiterate what you've found and reported in respect to this application.

00:24:59 T. Gottlieb

Yeah, uhm we reviewed it and Glenn has addressed all our comments. There were several minor comments regarding some septic details, so Glenn submitted some revised plans. We looked at them and the only thing we have left to look at would be the survey map for the subdivision.

00:25:20 Chairman Robbins

And having just received that tonight. I mean, I I don't, I don't think that it's appropriate for us to proceed to final approval and determination of conditions 'cause none of us have seen that except for the few minutes that it would share on online in the meeting, but at this point limiting myself to the environmental aspects of this application, was there anything that you wanted to add?

00:25:49 T. Gottlieb

No, not nothing for me.

00:25:53 Chairman Robbins

OK, then with any luck, I'm gonna be able to post the.... OK. Can everybody see the screen that's got the page two and three of the SEQRA submission?

00:26:27 B. McGinnis

Yes.

00:26:28 S. Hawvermale

Yes, not well, but it's there.

00:26:32 Chairman Robbins

OK. Uhm, then I'll read it out loud. The Part 2 is the impact assessment and we are, as lead agency we're responsible for the completion of Part 2. We need to answer the following questions using the information contained in part one and the other materials that have been submitted by the project sponsor or otherwise are available to us when answering the questions, the reviewer should be guided by the concept. Have my responses been reasonable considering the scale and context of the proposed action?

So question number one. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? This is a three lot subdivision with the residents on one, and a pre-existing ballpark on the other, and uhm vacant land on the third so do I have agreement that this is something that will have no impact uhm in respect to our adopted land use plan or zoning regulations. Can I check, can we check that box, Board members?

00:27:49 A. Cardoso

Yeah

00:27:50 Chairman Robbins

OK, number two. Will the proposed action result in a change in the use or intensity of use of the land? Uhm from my perspective, it would have small no or small impact will occur from this. Uhm, are there any board members who disagree with that? Hearing nothing, I'll proceed to number three.

Will the proposed action impair the character or quality of the existing community? Once more, I would say small or no impact of the character or quality of the existing community by the addition of this one home.

00:28:39 S. Hawvermale

Agreed.

00:28:42 Chairman Robbins

Any disagreement?

Number four will the proposed action have an impact on the environmental characteristics that cause the establishment of the of a critical environmental area? Uhm, well there are no such Critical

Environmental Areas and I think it's fair to say that it would have no or small impact even if there was or the creation of one. Are we in agreement on that?

00:29:14 S. Hawvermale

Agreed.

00:29:18 Chairman Robbins

And no disagreement? OK.

Number five. Will the proposed action result in adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walk way? Uhm, again, the addition of a single family residence in this area, with adequate parking for that residence provided, uhm I don't see any impact, small or no impact occurring from that. So, do we have any, do we have an agreement in which, do we agree in respect to that as well?

00:29:54 S. Hawvermale

Agreed.

00:29:55 Unknown

Mhmm.

00:29:56 Chairman Robbins

Number six. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonable and available energy conservation or renewable, opportunity, energy opportunities? I think in respect to the scale of this, and context of this proposed action, it will have small or no impact in that regard. Does the board agree with that assessment?

00:30:22 S. Hawvermale

Agreed.

00:30:23 Unknown

Agreed.

00:30:24 Unknown

Agreed.

00:30:25 Chairman Robbins

Number seven. Will the proposed action impact existing public/private water supplies? I don't see any indication of that occurring. Tim, I'll just ask for your expert opinion. Uhm do you see any impact from the addition of a single family home uhm in that location

00:30:47 T. Gottlieb

No.

00:30:50 Chairman Robbins

impacting the existing private and public water supplies?

00:30:51 T. Gottlieb

No, I don't believe so.

00:30:54 Chairman Robbins

And likewise in respect to public private wastewater treatment facilities. Well, there, the septic field is being provided to this change in use. So in in other regards, I don't see any impact or small impact occurring in regards to that.

00:31:12 T. Gottlieb

Right.

00:31:13 Chairman Robbins

Do we all agree in respect to that as well?

00:31:15 S. Hawvermale

Agreed

00:31:16 Unknown

Agreed.

00:31:17 Chairman Robbins

OK, item number eight. Will the proposed action impair the character quality of important historic archaeological, architectural or aesthetic resources? Uhm, there are no such important historic archaeological, architectural or aesthetic resources that have been identified or that we're aware of. So we can agree that no or no impact will occur in that respect?

Number nine. Will the proposed action result in an adverse change to natural resources, e.g. Wetlands, waterbodies, groundwater, air quality, flora and fauna? While it is adjacent to a wetlands area, there are, they don't intrude on the buffers. We have residents that's within appropriate setbacks from them, so I think any impact if there is any would be small or none from my perspective. Do we have agreement? Does any Board Member think differently in regard to that?

00:32:30 S. Hawvermale

No.

00:32:31 Chairman Robbins

OK.

Number 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems. Uhm, I think the only potential issue for drainage that we've seen work has been presented as the potential interruption which is not going to occur because there is going to be a culvert

under the driveway for the stormwater drainage from the field to the storm water basin. So I think this question too we can answer with another small impact. Will we agree in respect to that?

00:33:12 S.Hawvermale

Agreed

00:33:13 Unknown

Agreed

00:33:14 Chairman Robbins

OK, finally my question number eleven. Will the proposed action create a hazard to environmental resources or human health? I've seen no evidence suggesting that there has been. Do any other of the board members think that we have seen such evidence or is this another no where small impact may occur?

00:33:36 S. Hawvermale

No impact.

00:33:37 Unknown

There is no impact.

00:33:39 Chairman Robbins

OK. So, uhm having answered each of the questions one through eleven that no or small impact can occur, I think we're positioned now where we can take a vote on a negative declaration. Uhm, so do I have a motion that uhm, we issue a determination of we issue a negative declaration in respect to potential environmental impact from this project.

00:34:11 S. Hawvermale

So moved.

00:34:13 A. Cardoso

Second.

00:34:15 Chairman Robbins

Any further discussion on this motion? All in, is this a roll call vote Jacy?

00:34:24 J. Ricciani

No, it's it's, it's not, but who was the second? Was it Bob?

00:34:30 A. Cardoso

It was me.

00:34:31 J. Ricciani

Oh, it was Anthony, sorry. Thank you. No, all in favor.

00:34:36 Chairman Robbins

Any opposed? OK, great, so we've issued now these negative declaration. Stop screen sharing. And and I think so, insofar as we have not had an opportunity really to review all the materials, there's going to be further materials forthcoming from Glenn in respect to this application, and we need to consider potential conditions to this application. Uhm and we have sixty-two days to render a decision from the closure of the public hearing.

I guess the first thing I would like to do is to discuss potential conditions. Does it do any Board Members have thoughts as to conditions we should consider imposing on our approval for this three lot subdivision? Susan?

00:35:37 J. Ricciani

Please, before you discuss, please keep in mind that your conditions must be related to the project that is before you. Reasonably related to the project, that is, before you to accomplish the goals in the Town Code and the Comprehensive Plan. Thank you.

00:36:05 Chairman Robbins

Uhm, so I guess, Jacy, from a procedural perspective, insofar as this application is creating a lot for which a prior special use permit for the greater lot, specifically the ball field, that was the first special use permit that was granted in respect to this property was for the ball field. There were, in respect to that, uhm, the fencing that was put up there? Uhm fence not defensing but well the fensing both the fence per say the chain link fence that had the vinyl on it and there was a requirement that trees be planted as a buffer as well. Uhm, is it not appropriate and reasonably related to this application pertaining to the same lot uhm that that condition be reiterated in our, as one of our conditions. Is my question clear?

00:37:17 J. Ricciani

No, not a bit.

00:37:21 Chairman Robbins

OK, so so.

00:37:21 S. Hawvermale

I totally understand what you're saying, Richard, yes.

00:37:24 Chairman Robbins

So let me try and rephrase myself more clearly. Uhm,

00:37:27 J. Ricciani

So I I think, alright, so as as I understand it, there was a prior approval that included screening for a ballpark and a summer camp.



00:37:39 Chairman Robbins

Well, actually those, those were two separate.

00:37:40 J. Ricciani

They can't.

00:37:41 Chairman Robbins

Those were two separate approvals. There was a first approval for the ballfield and then there was another application for the same lot for another subdivision, for another special use permit related to the same lot that had to do with the camp.

00:37:55 J. Ricciani

OK 'cause I only have the one set of minutes that seem to discuss both. Uhm, well, actually you know what I, I take that back it does say that the current application is strictly for the boys camp for the boys camp buildings.

00:38:13 Chairman Robbins

Right, and there was, and there was colloquy in that meeting that discussed about, you know they were coming back again the following year for an extension or expansion of the prior special use permit that had been granted in connection with the ball field. But Glenn you represented them in respect to both those applications, maybe you can clarify this for us.

00:38:36 J. Ricciani

Well before before Glenn does that hold on so so. They need it. Well, alright, assuming they needed the special use permit to do the ball field which the code you know, let's just accept that that's what they got some kind of an approval for a ball field, and screening was a condition of that approval. And then after, that they wanted to add a boys day camp and the screening issue came up again because it seems to me that the initial screening is perhaps an enforcement matter.

00:39:23 Chairman Robbins

Can we but, OK. Uhm.

00:39:27 J.Ricciani

I mean on you said. On the other hand, on, on the other hand, if Glenn client has no objection to putting in a double row of trees in the appropriate area, then you know this is kind of a moot discussion.

00:39:41 S. Hawvermale

I would like to make it though contingent upon the approval of this project is that possible?

00:39:50 A. Cardoso

I, I think the I think the point is, I'm not sure we can, because that's unrelated to this application.

00:39:54 S. Hawvermale

That's what I'm asking.

00:39:57 J. Ricciani

Hey you guys listen, excuse me I'm I'm sorry to step over Anthony, I apologize. They want to put in a subdivision, they want to create a lot for a single family residence. You know, down the road anytime somebody wants to create a lot for a single family residence are you're going to require screening.

00:40:24 Chairman Robbins

I guess maybe sometimes yes or sometimes no.

00:40:27 S. Hawvermale

But it was part of the original lot.

00:40:31 J. Ricciani

OK or should they have put this screening in for the ballpark in, you know, when the ballpark went in, they never do did it? So now they're in violation of that prior approval and it needs to be an enforcement action, but. And the screenings not even for the residents, so uhm. I mean it, it's unfortunate that the applicant didn't do what they were supposed to do back in the day, but I am a little concerned about screening something that's not the project. The project is the lot for the single family residents. You're not trying to screen that lot, you're trying to screen the neighbor, the neighboring lot, which is the ball field.

00:41:22 Chairman Robbins

Glenn, maybe we can avoid the conflict that seems to be arising among the Board and Counsel by learning whether the, your client will voluntarily put the rows of screening in that were required previously.

00:41:38 G. Smith

Well, I'll certainly approach him about that tomorrow. I mean, I, I want to look at my records in my my minutes too. I have a pretty good file on that. I seem to recollect that the screening was for the the boys day camp. It may have been for the the prior ball field project. I don't. If it was, they would have probably planted the trees, but I'll, I'll check on that tomorrow and I can report back to you, Mr. Chairman, and let you know and I'll make a recommendation to my client one way either way that he plant some trees along there because you know the neighbor has been impacted by it before and he has the same comments again and I would like to try and resolve that. Like you said, we're not gonna get any approval tonight. I'm coming back so we got some time to get this resolved, I think.

00:42:16 Chairman Robbins

Right, but I think it's good to address these issues. And I appreciate what you said and your efforts to make it work.

00:42:24 G. Smith

Can I ask one question at as we get towards the end and then getting approval on neg dec do we prepare? Or maybe it's a question for Jacy? Do we prepare resolutions of her neg dec and any kind of approvals? Or is that something that Jackie does for the board or what?

00:42:40 J. Ricciani

I I generally include the the NAG deck in the overall resolution. I don't usually do a separate resolution on a part one I I mean, on a on a short EAF.

00:42:51 G. Smith

This one here.

00:42:52 J. Ricciani

Yeah, I usually just incorporate it with the overall resolution for the subdivision, but you know this is a three lot subdivision and one of the conditions, not to jump ahead, is of course you know our park land fees.

00:43:07 G. Smith

OK, we need to know them also.

00:43:15 Chairman Robbins

Yeah, that's that's another issue that we will give you the answer to it. If memory serves me, the Parkland fee is \$2,000 per lot. That was a town board action.

00:43:28 S. Hawvermale

I thought it's \$2,500 Richard.

00:43:31 Chairman Robbins

I think I think it's \$2,000, but we'll get the Glen a specific answer to that.

00:43:37 G. Smith

OK.

00:43:40 Chairman Robbins

Other thoughts for potential conditions that deserve discussion tonight from other board members? I guess one of the things that I would suggest be in the resolution as a condition is the recognition of the receipt of the of the surrender of the special use permit vis a vis the camp. We'll get that documentation Glenn before our next meeting so we can include that there. Any other thoughts about potential conditions that merit discussion?

00:44:23 J. Ricciani

Even even though the applicant has indicated there's no intention to install any lights along the driveway, do you wanna make that a condition nonetheless in case there's a, you know, a future, future owner?

00:44:40 S. Hawvermale

Yes we do.

00:44:43 Chairman Robbins

I, I do. Certainly I think we'll get a sense of the Board on that one that comes up for a vote. But I, are there any board members who don't think we should have that as a condition?

00:44:56 J. Ricciani

OK.

00:44:59 A. Cardoso

I wonder if it makes sense to put I mean, I know the owner made a representation that at this time, you know, they're not planning to do any further subdivision, you know, but the board did raise the concern. We don't want to have a claim that we that this review was segmented in any way. I don't know if it's appropriate to put something like that in the resolution just to say these representations were made, the board considered this not a segmented point. You know, I don't know, something along those lines just to kind of provide some. I don't know. Just some recognition that that representation was made that the board did raise. The concern that it was addressed I, I don't know.

00:45:39 J. Ricciani

So the condition would be that any future subdivisions have to come before the planning board or did you want to put a they they can't apply for a subdivision for a certain period of time, or uhm, what what? What's what's the what? What's the applicant got to do or not?

00:45:58 A. Cardoso

Well, legally, I mean, I don't know if we can. I I guess I'll defer to you on that or whether we can limit them from subdividing, you know, in the in the future or in a set time frame that that seems to me like it may have some takings issues, but if we can do that, that's one way, but I think just at least the recognition that we we raised it they they said they don't have any of those plans. You know, just that so we can't be there can't be an accusation at some point that that that we you know segmented or that that the that it was that the plan was to segment. I don't know.

00:46:37 J. Ricciani

I, I couldn't, I could.

00:46:38 A. Cardoso

That segmentation was my concern and you know, I feel it's been addressed as much as, you know, legally anyone can be bound by such a representation, but I think it's important that we say something.

00:46:50 J. Ricciani

I can, I can certainly include that in one of the whereas clauses in the resolution to show that it was discussed in what the representations were, representations that were made, but it it it, it doesn't really lend itself to a condition but I can certainly, you know include it in the resolution.

00:47:09 A. Cardoso

I would like it in there.

00:47:11 G. Smith

We did submit a letter, a letter from the applicant saying that, Jacy, which you could refer to in your resolution to that was I forgot the date was, but the Chairman read it at the last meeting.

00:47:21 Chairman Robbins

Yeah, and I I would I I think that's that is an appropriate way to handle the issue is to just make a record in the resolution. We have a record by way of the letter, but just have it in the resolution as well. As part of the whereases, Jacy. Thank you.

Any other thoughts of conditions or language for the resolution. When we start going down that road next meeting.

00:47:49 S. Hawvermale

Richard, may I just bring up a point of order we were talking about the letter. Uhm of December 2nd, 2021 from Yeshiva and I believe is how I would pronounce it. It was signed. We have no idea who signed that letter. It simply says by

00:48:17 J. Ricciani

It was discussed Mr., Mr. Smith clarified who the signer was.

00:48:22 Chairman Robbins

It's on the record.

00:48:24 S. Hawvermale

I know in the future I would suggest that any time we receive a letter like this, it must have the name of the person underneath the signature because having it signed by someone could mean that it is not actually the person whose name is in the letterhead. Just a point of order.

00:48:50 Chairman Robbins

Thank you, any other thoughts of Board Members for potential conditions or concerns about the resolution wording when we get to that next month? Then I think we will adjourn the consideration the Birchwood Estates for this meeting, unless anybody else has any comments including you Glenn, and move on to our next agenda item.

00:49:19 G. Smith

I'm good, thank you very much.

00:49:22 Chairman Robbins

Item number six is Planning Board Member comments on items not on the agenda. Are there any such comments? Susan.

00:49:31 S. Hawvermale

Yeah. I'm sorry I jumped the gun before. Has any, have we had any applications for Vinny's position on the Planning Board?

00:49:41 Chairman Robbins

I believe so, yes. But I, and I know that the Town Board is going to meet with the person I don't. I don't know whether such meeting has taken place. But I was told that an application was received.

00:49:57 S. Hawvermale

OK.

00:50:02 Chairman Robbins

Mr Sipos, Bobby

00:50:04 R. Sipos

Richard, just a quick question, you know, they've brought up the fact of putting some type of trees or something, you know, there and it was part of an earlier application, but so was the septic system was part of another application also and we allowed or they're, they're they want to use that septic that they previously put in for a prior application. You know, so I mean, you know, we're kind of working with that and I still think that tree barrier thing or the privacy should be addressed further down the road at the next meeting, you know, just a thought.

00:50:51 Chairman Robbins

Yup. Thank you.

00:50:53 R. Sipos

Thank you.

00:50:54 Chairman Robbins

Any other Planning Board Member comments on Items not on the agenda.

00:51:01 T. Gottlieb

I got one yes. I haven't received a copy of the minutes for these meetings. Just to let B.J. know that I haven't gotten them.

00:51:15 B. McGinnis

Yeah, I'm sorry about that I'll make sure you're on there.

00:51:17 T. Gottlieb

That's OK.

00:51:21 Chairman Robbins

We'll get them to you.

00:51:22 T. Gottlieb

OK, thank you.

00:51:23 Chairman Robbins

OK. OK, any others? Any members, any comments from members of the public on items discussed during the meeting? Hearing none, I will next entertain a motion to adjourn this meeting.

00:51:48 S. Hawvermale

So moved.

00:51:53 R. Sipos

Second.

00:51:54 Chairman Robbins

Anyone think we should continue the meeting or are we all in agreement that this meeting is adjourned?

00:52:03 All Board Members

Aye.