

TOWN OF FORESTBURGH PLANNING BOARD

Minutes

February 22, 2022

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

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

Members Absent: Katherine Barnhart

Town Attorney: Jacqueline Ricciani

Recording Secretary: Billie Jean McGinnis

The Forestburgh Planning Board is conducting this meeting virtually pursuant to the recent legislation signed by Governor Hochul amending the open meetings law, permitting board meetings to be held virtually. Notice has been provided to the public, including Zoom log in information, and has been posted at the Forestburgh Town Hall, Forestburgh Firehouse, Forestburgh General Store, Forestburgh newsletter and published in the Sullivan County Democrat.

Motion made by S. Hawvermale to open the public hearing at 7:03pm. Seconded by R. Sipos.
Vote: All in favor.

J. Ricciani pointed out that a member of the Board is missing. Chairman Robbins confirmed that we have a quorum.

Motion made by S. Hawvermale at 7:09pm to close the public hearing. Seconded by A. Devlin.
Vote: All in favor.

Approval of Minutes

The minutes from the January meeting were reviewed. S. Hawvermale pointed out grammatical errors which were corrected.

Motion made by A. Cardoso to approve the minutes as amended. Seconded by R. Sipos.
Vote: All in favor.

Public Comment on Agenda Items

There are no comments from the public.

Birchwood Estates

Glenn Smith, engineer, presented on behalf of Birchwood Estates. He showed maps of the overall project pointing out the 245 acres of land in Forestburgh. The development continues into the Town of Thompson. This was approved years ago by the Town of Thompson for a maximum of 70 homes. The proposed subdivision is roughly 3.1 acres for one lot, another lot with a ball field and the remainder is roughly 240 acres which will remain vacant. There are no plans for any development. The proposal is to create a roughly 3.1 acre lot for a single family home with a well to be drilled. They'll tie into the septic system that was to be used for the boys day camp that was never built. A driveway will extend from Rod & Gun Club Road into the property.

At the last meeting, a Board member asked why they chose this area to build a house. G. Smith explained that the last house in the Town of Thompson is a relative. The lots on the Town of Thompson side have already been sold. The ball field will remain as is and the remaining 240 acres will remain as is.

G. Smith added that new subdivision maps were provided by the surveyor today and will be submitted to the Board.

He addressed a comment made by Mr. Leaney-Levenson during the public hearing regarding the double layer of trees that were to be planted as screening for noise and privacy. That double layer of trees were part of the plan approved in 2015 tied into the boys day camp. The boys day camp was never built and has been eliminated. He thinks that's why the double layer of trees weren't put in.

Chairman Robbins asked if the applicant intends to surrender the special use permit to build the camp and associated structures. G. Smith will get something writing from his client stating that they'll surrender the permit. They have no intention of building that. At this point they would have to start the whole process over and they have no intention on doing that.

Chairman Robbins asked if the prospective buyer has any intention to put lights on the driveway? G. Smith stated that they have no intention of installing lights and he will include that in the plans if the Board wants him to do that.

Chairman Robbins pointed out that the driveway divides the ball field and the drainage area. Is there a specification as to how the water is going to be transmitted from the storm drainage for the ball field across the lot to the storm water basin. G. Smith explained that they'll do an easement to drain into the culvert under the driveway to send water from the ball field to the storm water basin. That will be on the final map.

S. Hawvermale asked what the intent of the ball field property is when the property is divided? G. Smith explained that it will still be used for playing ball. They're not going to develop it, they'll use it for recreational purposes.

S. Hawvermale asked if the boys day camp needed to be built in order for the double row of trees to be put in? She thought the intent was that the double row of trees was going to be built no matter what. G. Smith explained that the double row of trees came up during the review of plans for the boys day camp. They never built the day camp so the trees were never put in. They could maybe put trees in along the road for some additional screening. S. Hawvermale stated that there were issues with the neighbors concerning the noise and lighting situation in years past. She would feel more comfortable if

there were a double row of trees to protect the neighbors from whatever activity is going on. Chairman Robbins also noted that the minutes of the Town Board meeting where the special use permit was granted did reflect the trees but didn't reflect that the trees were contingent on the camp. This Board may want to include this as a condition of the approval of this application.

S. Hawvermale's understanding is that the trees were not contingent upon any usage of the ball field. Chairman Robbins stated that there's nothing that reflects this in the minutes, but it can be discussed.

S. Hawvermale stated that as far as we know that piece of property will only be used as a ball field. G. Smith confirmed and added that it also has one of their main wells on it.

R. Sipos asked if the driveway to the new house would be used as a parking lot to access the ball field. G. Smith showed parking areas on the map and stated that most people walk to the ball field. The driveway is only for the residence.

Chairman Robbins indicated that the 239 review was received from the County and it indicated that this is a matter for local determination.

T. Gottlieb reported that the applicant has addressed all of the comments. There were several minor comments regarding septic details. Revised plans were submitted by the applicant. The only thing remaining is to review the survey maps for the subdivisions. Chairman Robbins indicated that these survey maps were submitted tonight. It's not appropriate to proceed to final approval and determination of conditions because there hasn't been time to review them.

Chairman Robbins began the SEQRA review of the application. As lead agency, the Board is responsible for the completion of Part 2.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? This is a three lot subdivision with a residence on one, a pre-existing ball field on another and vacant land on the third. The Board determined that no, or small impact may occur.
2. Will the proposed action result in a change in the use or intensity of use of land? The Board determined that no, or small impact may occur.
3. Will the proposed action impair the character or quality of the existing community? The Board determined that no, or small impact may occur.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? There are no such Critical Environmental Areas in Forestburgh. The Board determined that no, or small impact may occur.
5. Will the proposed action result in adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? The addition of a single family residence in this area with adequate parking for that residence provided has little impact. The Board determined that no, or small impact may occur.
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? The Board determined that no, or small impact may occur.
7. Will the proposed action impact existing:
 - a. Public/private water supplies? The Board consulted with engineer, T. Gottlieb, and determined that no, or small impact may occur.

- b. Public/private wastewater treatment utilities? A septic is being provided. The Board consulted with engineer, T. Gottlieb, and determined that no, or small impact may occur.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? There are no such important historic, archaeological, architectural or aesthetic resources that we're aware of. The Board determined that no, or small impact may occur.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, floral and fauna)? While it is adjacent to a wetlands area, they don't intrude on the buffers. Residences are within appropriate setbacks from them. The Board determined that no, or small impact may occur.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? The only potential issue for drainage has been presented and discussed. This is being corrected with a culvert to the storm water basin. The Board determined that no, or small impact may occur.
11. Will the proposed action create a hazard to environmental resources or human health? The board determined that no, or small impact may occur.

Motion made by S. Hawvermale that a negative declaration on environmental impacts be made.

Seconded by A. Cardoso.

Vote: All in Favor.

Chairman Robbins stated that materials still need to be reviewed and more are to be submitted. The Board needs to consider conditions of approval. J. Ricciani stated that the conditions must be reasonably related to the project before the Board to accomplish the goals in the Town Code and Comprehensive Plan.

Chairman Robbins stated that there were to be chain link fencing with vinyl and trees to be planted relating to the special use permit. Can that condition be re-iterated as one of the conditions? J. Ricciani stated that the initial screening is perhaps an enforcement matter. S. Hawvermale agreed and would like to make the double row of trees a condition for the approval of this application.

J. Ricciani reiterated that an application is being made to create a single family residence. Should they have put this screening in when the ball park was put in? Are they in violation of that prior approval? If so, that needs to be an enforcement action. The screening is not for the resident. It's unfortunate that the applicant didn't do what they were supposed to do back then, but she's concerned that the screening is not for the single family lot, it's for the neighbor which is the ball field.

Chairman Robbins asked if we can resolve the conflict arising between the Board and Counsel. Would the applicant voluntarily put in the rows of trees that were required previously? G. Smith recalls that the screening was part of the boys day camp project. He'll make a recommendation to his client to plant the trees regardless. The neighbors had problems before and still have the same problems. We want to resolve that. Chairman Robbins acknowledged and appreciated the efforts being made to resolve the issue.

As a matter of procedure, G. Smith asked who prepares the negative declaration. J. Ricciani will take care of that and reminded the applicant that park land fees will need to be taken care of.

Chairman Robbins would like to include a condition for the surrender of the special use permit.

J. Ricciani suggested a condition to preclude lights from being installed on the driveway. S. Hawvermale and Chairman Robbins agreed.

A. Cardoso stated that while the landowner made the representation that there are no plans for the vacant land, it would be nice to include some type of acknowledgement that the segmentation issue was raised and discussed. J. Ricciani will include language in the resolution to refer to the applicant's letter stating their intentions.

S. Hawvermale referred to the letter of December 22, 2021, stating that it was signed but doesn't indicate who signed it. This has been addressed at a previous meeting. She asked that any future documents have the name of the person indicated under their signature.

This matter is being adjourned to the next meeting.

Planning Board Member Comments on Items Not on the Agenda

S. Hawvermale asked if there have been any applications to fill Vinny's position on the Planning Board. Chairman Robbins reported that an application was received but wasn't sure if the Town Board met with the applicant yet.

Going back to Birchwood Estates, R. Sipos stated that they brought up the fact of putting in trees that was part of an earlier application. The septic was also part of a prior application and we accepted that. He suggested that the privacy issue be addressed at the next meeting as well.

T. Gottlieb indicated that he has not received minutes from the meetings. B. McGinnis acknowledged this oversight and will make changes accordingly.

Public Comment on Items Discussed During this Meeting

There is no comment from the public.

Adjournment

Motion made by S. Hawvermale to adjourn the meeting at 7:52pm. Seconded by R. Sipos.

Vote: All in favor.