10/27/2026

Planning Board

Town of Forestburgh
322 King Rd, Forestburgh, NY 12777
By: Electronic Mail

Dear Members of the Town Planning Board:

I have previously expressed to the Board, both in writing and verbally, my concerns regarding certain members presiding over or participating in particular applications. The basis and background of those concerns need not be restated here as they remain unchanged.

I have also previously noted the Planning Board's obligation to comply with the Open Meetings Law, which requires that records to be discussed at a meeting be made available online at least 24 hours prior to the meeting. The engineer's comments on this application were not uploaded to the Town website 24 hours before the meeting. This is inconsistent with the law.

With regard to the comments I submitted concerning the Hartwood application, I offer the following.

In short, the application continues to fail the requirements of § 148-11 and related provisions of the Town Code, the Planning Board's prior practice, as well as the informational and analytical standards of SEQRA.

An attorney's assertion that there is sufficient sight distance is merely a statement, not evidence. Counsel's claim at the last Planning Board meeting that "this driveway always existed" misses the point. The historical existence of the driveway does not establish that it meets the Code's sight-distance requirements. Adequate sight distance is a specific condition that needs be satisfied to qualify for a "land division." Land division is a limited exception to the ordinary minor-subdivision rules that are supposed to be met to qualify. Nothing in the record demonstrates that this condition has been satisfied, despite the Board's explicit request for such proof. With all respect, counsel simply reiterated that the driveway exists and previously used by a Boy Scout camp. An existing driveway or prior use does not prove adequate sight distances. Absent satisfaction of this requirement, the proposal does not qualify for land-division treatment and must instead proceed, at a minimum, under the minor-subdivision process.

I believe the remainder of my earlier comments were likewise not sufficiently addressed.

The Board should also verify that the resulting lot fully complies with frontage and dimensional standards without creating a non-conforming or flag-lot configuration. The right-of-way is proposed to be retained by the Hartwood Club for access to other holdings, while the purchaser of Lot 2 is said to be responsible for maintenance of the portion serving Lot 2. Despite the Board's specific request at the last meeting, no formal (proposed) document (easement agreement, maintenance covenant, or declaration) have been submitted to define these rights and obligations. Emergency-vehicle access along the existing gravel drive has also not been confirmed.

Applicant's counsel acknowledges that further division of the parent parcel is under discussion, though "not concrete."

Town Code, SEQRA principles, and this Board's own prior practice have required at least when it dealt with Birchwood Estates, that anticipated sequential actions be disclosed and evaluated together rather than segmented. Presenting this division in isolation while conceding that additional carve-outs are contemplated is inconsistent with the manner in which the Religious applicant Birchwood was previously treated by this Board.

I believe this is also confirmed by Planning Board Member Attorney Cardoso at last meeting stating:

> **From my perspective, and I've been on the board now for a while, and the Harwood Club has come back numerous times on their other property. Now on this one, they're doing the same thing. Well, they'll come back…**
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> **… They'll say, I just want to carve out this little section. Oh, we're not going to. And then they come back a couple years later and say, oh, we just want to carve out this other little section.**
>
> **… Well, we don't allow applicants to come back at what is essentially a segmentation of a larger proposal eventually. So you can't just come back every couple years to make a subdivision, which we warned the Harwood Club the last time they came back, which I think was the second or third time they came back to carve out lots for people.**
>
> **… they should actually sit down and come up with a plan for this property and present that. If not as a subdivision application, but just as something so that the board can see what the plan is for this property. They clearly have one, but they just don't want to talk about it now because they want to do the lots division, I guess.**
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> **… I would like to hear from, I'd like the actual applicant or representative of the Hartwood Club to come in and be prepared to talk about some of these. The concerns that at least I have and it sounds like other members of the board have.**
>
> **… I think that someone should come in that's prepared to discuss the plans for this property. So that we avoid concerns about segmentation. We have lots of large lots in this town. Other applicants are going to try to do the same thing. And we just want to treat everyone the same because we raise this concern with everyone that comes in for a lot division on a thousand acre parcel. Hey, what else are you doing? What else is the plan? And we usually don't, we get a little nervous when they're just like, well, we'll see.**

Counsel for Hartwood Club response that: "Your code allows it." ignores the fact that the applicant is requesting a discretionary expedited process as a land division rather than a traditional subdivision. Your code states that "A land division, as defined in § 148-8 of this chapter, *may*, upon the determination of the Planning Board, be exempt from the requirements of a subdivision application."

You have the choice to deny it.

The EAF acknowledges the presence of threatened or endangered species (including the Timber Rattlesnake) and regulated wetlands/waterbodies, yet provides no delineation, impact analysis, or discussion of the newly proposed access, the change of use, as counsel stated at the last meeting that it has not been used for years.

The spring rights are assumed to have terminated, but no confirmation accompanies that claim.

Finally, the EAF statements of the total acreage owned or controlled by the applicant is incossistent with Counsel's letter and public statements indicating substantially larger holdings (counsel stated approximately 4,860± acres in the Town). This discrepancy raises questions about the accuracy of the certification and whether the forms were properly completed.

I also note that, despite being assured by the Planning Board Chair that my correspondence is part of the record, and despite this Board's usual practice, my correspondence does not appear online, even though it is months after it was submitted.

Respectfully submitted,

Yehuda Miller