07/28/2026

Planning Board

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

Dear Members of the Town Planning Board:

I have written to you previously regarding issues with Planning Board conduct and its compliance with law, fair process, and procedure. Specifically, those concerns included whether Planning Board proceedings have consistently adhered to the requirements of the Town Code, SEQRA, Open Meetings Law and principles of procedural fairness, whether all applicants have been held to the same standards, whether complete and accurate information has been required before applications have proceeded, and whether the Board has maintained both the impartiality and the appearance of impartiality expected of a planning board.

My purpose in raising these issues has not been to advocate for or against any particular applicant, but rather to encourage a process that is fair, transparent, and faithful to the letter and spirit of the law.

Among those issues were specific concerns with the Planning Board Chair's views and conduct, including the solar farm on Route 42, which the Board later stated on the record was not what had been represented during the application process. Specific concerns were also raised about how applications for the Hartwood Club are handled by the Chair and how applications appear to be treated based on the applicant rather than the application itself.

Regarding the first item, I recently shared some of my concerns with the Town Board. The letter containing those emails are attached below in its entirety for this Board's review. They speak for themselves concerning both the Chair's conduct and approach, as well as the representative of the solar application, who as you know is the spouse of the representative of the application before you today.

As to the application itself, I offer the following technical comments for your consideration, without taking a position on whether it should ultimately be granted as presented.

The application asserts adequate sight distances without citing to any supporting evidence. § 148-11(A)(7) plainly requires: "Each new lot shall have adequate site distance from the road on which it fronts." It also does not contain the letter of approval required by the Code from the Town Highway Department, the Sullivan County Department of Public Works, or the New York State Department of Transportation approving the driveway access for the new lot.

It states that no new construction is anticipated. Once subdivided, however, the resulting lot will constitute a separate buildable lot, and future construction may occur as a matter of right. Accordingly, the Board should not rely upon an assumption that no future construction will occur.

The EAF acknowledges threatened/endangered species (Timber Rattlesnake and Brook F… [loater]) and regulated wetlands/waterbodies, yet provides no analysis, delineation, or discussion of the impact of the newly proposed access, any change of use, or the 500-foot spring restriction.

It further states that the applicant anticipates applying to further subdivide the parcel. That raises segmentation questions. To the extent further subdivisions are anticipated, that information should properly be presented and considered in this application.

Finally, while the application correctly acknowledges that "Additionally, The Hartwood Club, Inc. owns a substantial amount of bordering land in the Town of Forestburgh," it provides no information or analysis of those holdings. The EAF answers the question on total acreage (project site and any contiguous properties) **owned or controlled by the applicant or project sponsor** as 923.57 acres. That figure is not accurate according to the public record and is contradicted by the applicant's own statement. This also raises questions about the accuracy of the certification by the President of the Hartwood Club that the information is true to the best of his knowledge, which is certainly not the case here.

In light of the foregoing, and considering the prior concerns regarding process and consistency in application review, the Board may wish to ensure that the application truly satisfies the requirements of § 148-11 and SEQRA before proceeding.

Respectfully submitted,

Yehuda Miller

07/16/2026

Town Board

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

Dear Members of the Town Board:

Last month, I submitted correspondence and spoke before the Board regarding the principles of open government, transparency, equal treatment of members of the public, and the manner in which concerns surrounding the proposed solar project have been addressed.

The proposed solar facility is massive and is one of the largest projects of its kind in the Northeast. Given its scale and significance, the public deserves complete transparency and confidence in the decisions that are being made.

At the last meeting, the Town did not alleviate my concerns. Instead, the Supervisor's conduct increased and raised them.

To start, the Supervisor stated that he has not read my correspondence, which I would have expected him to do if he had any real interest in addressing the issues raised. Then, when faced with facts and criticism, he chose to cut off my public comment by openly and publicly stating a complete falsehood, that I had called him and others a "Nazi." THAT NEVER HAPPENED.

I urge the Supervisor to publicly state when this allegedly occurred, or to publicly apologize for the false statement made against me. I was the only commenter shut down, and I was shut down based on an outrageous lie.

Other than plain old-fashioned discrimination, the only other plausible explanation I can think of is that the truth was inconvenient, and therefore hiding it or preventing it from becoming part of the public record was the chosen course. Open Government Laws exist precisely to expose the truth and increase trust in government and elected officials, not to suppress it.

Having been cut off, I will now address some of what was raised, though certainly not all issues. First, the Supervisor claimed he only knows Solar Farm property owners Walter Garigliano and Justin Evans by name only and not on a personal level. Second, there was the implication that the Town has no say on Solar. Third, I was cut off right as I began addressing how the Town actually changed its laws to accommodate Solar Projects.

I will also address some of what I was alluding to in my prior correspondence, using the actual emails.

These emails raise serious questions about the relationship between the owners, Town leadership, Richard Robbins of Merriewold Club, and Harris Beach the so-called "independent" consultant, whose CEO is also part of Merriewold Club.

On May 9, 2023, Walter Garigliano wrote to Richard Robbins regarding the proposed zoning amendment and Solar, and what he considered fatal flaws for the project:

> I reviewed the draft zoning amendment last night… There were three identified fatal flaws for this project… One was the zoning which get solved if the Town Board adopts the proposed amendment…

On May 10, 2023, Mr. Robbins wrote to Mr. Garigliano:

> … Had a reach out from RWE Clean Energy - a voicemail that I've returned, leaving my own….

On August 29, 2023, Mr. Garigliano wrote:

> … Last hurdle is the zoning change. Is timing to completion known?...

To which Robbins responds timing is unknown because the county recommended disapproval, to which Garigliano responds that the Town should simply override the county and that he is "happy to call Troy with the blueprint if it helps."

On September 27, 2023, Garigliano again asked for an update. Robbins responded:

> Public hearing on Solar law completed 3 minutes ago. SEQR public hearing on Zoning law about to start in 2 minutes. Town board meeting next Thursday (week from tomorrow)

This email was sent at 6:09 p.m., while the public hearings regarding the solar law and zoning amendments were taking place, by the Planning Board Chair to an attorney representing the then solar project and one of the property owners of the current proposed Solar project. At a minimum, the correspondence warrants a full public explanation before the Town proceeds further.

To save space, I have not copied all the emails, but here are a few:

-----Original Message-----
From: Richard Robbins <rarobbinsattorney@mac.com>
Sent: Wednesday, September 27, 2023 6:09 PM
To: Walter Garigliano <Walter@GariglianoLaw.com>
Subject: Re: Zoning Law

Public hearing on Solar law completed 3 minutes ago. SEQR public hearing on Zoning law about to start in 2 minutes. Town board meeting next Thursday (week from tomorrow)

Richard Robbins
Sent from my iPhone, so please forgive the typos.

> On Sep 27, 2023, at 5:57 PM, Walter Garigliano <Walter@gariglianolaw.com> wrote:
>
> Any update on expected timing? Thanks and I'll update you on my meeting with Charlie after we meet.
> <winmail.dat>

>> On Aug 29, 2023, at 3:18 PM, Richard Robbins <rarobbinsattorney@mac.com> wrote:
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>> Enjoy your last few days in Ireland. Didn't watch the game - but saw that Notre Dame "sank" the navy in a blow out.
>> Last night got the 239 back, with a recommendation for disapproval - a lot of little things - mostly surrounding Agriculture. Haven't digested it yet (34 pages, with attachments) nor discussed a plan on how to respond/amend/etc. so timing to completion is not known now.
>>
>>
>> Sent from my iPad
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>>>> On Aug 29, 2023, at 10:11 AM, Walter Garigliano <Walter@gariglianolaw.com> wrote:
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>>> The CESIR from O&R received and is acceptable.
>>> Last hurdle is the zoning change. Is timing to completion known?
>>> We are in Ireland. Back Thursday.
>>>

>>>>> On May 9, 2023, at 7:46 PM, Walter Garigliano <Walter@gariglianolaw.com> wrote:
>>>>
>>>> I reviewed the draft zoning amendment last night. My focus was the solar section. I have a question/comment. Large-Scale Solar is permitted in the Recreational Residential and Rural Conservation zoning districts According to the new proposed Town zoning map, the Dellorusso parcel is in the "Rural Residential" district and there is no Recreational Residential district on the proposed map. I assume "RR" refers to the same district and it could be a typo in the proposed code or key to the map. Or I could be missing something. Can you please confirm if it should be "Rural Residential" and not "Recreational Residential" in the new code or if the map needs correction and should be Recreational Residential? Or if I am missing something let me know.
>>>> Barbara confirmed that the CESIR for this project site is due from O&R on July 26. We have a CESIR for a project on Dill Road that will be built in Thompson (Dill Road is the Town line) if for some reason this site is not viable from an interconnection standpoint.
>>>> There were three identified fatal flaws for this project. One was wetlands but is not an issue. One was the zoning which get solved if the Town Board adopts the proposed amendment. The third is the CESIR costs for interconnection.
>>>> Let me know if the RR issues I noticed is a typo or if there
>>>> is some other explanation. WG

These documented emails, the history of shutting down concerns when they are raised, the relationship between property owner and Solar proponent Walter Garigliano and the Planning Board Chair, the emails between property owner Evans

and the Town Supervisor and Planning Board Chair (who refers to him as his "friend from Hartwood"), and the fact that both the Planning Board Chair and the CEO of Harris Beach are connected to Merriewold Club, along with other publicly available information about Mr. Garigliano and Harris Beach, raise serious questions about whether the firm is truly an "INDEPENDENT TECHNICAL CONSULTANT" as stated in today's proposed resolution.

In light of all of this, I urge the Town Board to take immediate steps to ensure public trust in the process, stop the double standard, ensure complete transparency and full disclosure, and table the proposed resolution approving Harris Beach until a real review is conducted as to whether they are truly independent and examine all the relationships between the owners, their representatives, the firm, and the Planning Board Chair.

This is the very least that the public deserves, and in my opinion, is not currently getting.

Sincerely,

Yehuda Miller