

Code

From: Supervisor
Sent: Monday, June 03, 2024 5:39 PM
To: Code; Larry Fishman; Jeff Spitz
Cc: Steven Mogel
Subject: Fw: 211 Mail Road

Please file and note, thanks!

From: Mike Edison
Sent: Monday, June 3, 2024 5:33 PM
To: Town Clerk <townclerk@townofhighlandny.com>; Planning Board and Zoning <planningboardzba@townofhighlandny.com>
Cc: Supervisor <TownSupervisor@townofhighlandny.com>
Subject: RE: 211 Mail Road

To the Town of Highland Zoning and Planning Boards,

I am writing out of great concern for the applicant looking to develop the property at 211 Mail Road.

I live just around the corner from the property, also known as Catskill Mountain Resorts, one house away from where Mail Road meets Yulan-Barryville Road, and there is no doubt that the major overdevelopment and zoning variances sought by the applicant would negatively impact my day-to-day life, and the quality of our neighborhood.

The Yeshiva who seeks to build out this property have been purposely trying to obfuscate their true plans, to build an illegal mega-camp-school-daycare center, a synagogue, a ritual bath, numerous new dormitories and parking lots — and only God knows what else. The applicant has never been completely forthright and honest about their intentions for the actual use of the property, the amount of people who would use the facility, the environmental and cultural impacts and on and on, and are attempting to hide under the skirt of a completely dishonest use of the Religious Land Use And Institutionalized Persons Act (RLUIPA) to get their way.

Since the applicant first came to town and introduced themselves, they have been bullying, threatening litigation, and misappropriating caselaw as it applies to their so-called religious freedom to build whatever they want, wherever they want, with no respect for our zoning laws or our town. Since Day One they have attempted to intimidate our local government into giving in to outrageous demands that would tear out the heart of a peaceful, residential neighborhood.

The applicant's zoning problems, as they like to claim, are not a First Amendment issue. Claiming that this is an issue of religious freedom, or that this has anything to do with any sort of "freedom," is disgusting in a town where so many military families live, people who have actually fought, and often made the ultimate sacrifice, fighting for very real and fundamental American freedoms, which do not include tearing up neighborhoods, not matter your religion.

The applicant clearly considers our laws and the character of our town nothing more than inconveniences that can be overcome by lawyering and bullying.

To be clear, RLUIPA prohibits zoning and landmarking laws that:

- (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions;
- (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
- (3) totally exclude religious assemblies from a jurisdiction; or
- (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

As you can see, none of this is true.

The applicant's requests for zoning variances and permits to over develop this property must be denied, and it must be made clear this has nothing to do with any sort of freedom of religious practice.

Any false claims that the applicant is being discriminated against or judged based on religious affiliation is a dangerous lie.

One need only to look around to see the Jewish camps that our Town is surrounded by, and the bungalow colonies that dot our periphery on the edge of the Borscht Belt, to know that this area has a rich history and tradition of Judaism and Jewish culture.

The Town of Highland is also home to numerous churches and places of worship for a variety of denominations – not to mention an internationally recognized Buddhist Temple just up the road - all of whom work towards the betterment of our town and support our community.

The Town of Highland is also very proud of the Koinonia Religious Camp, who are great neighbors. Koinonia, a Lutheran ministry, provides scholarships to kids of all denominations, and works with our town to make it a better place, and they have a mission to preserve and celebrate nature. Last summer I was invited to give leadership speech there to young campers, and can speak personally to their inclusiveness, kindness, and dedication to the rural beauty of our town.

In contrast, this applicant has made zero offer to work with or contribute to our community. They have shown zero respect to the people or to the land that makes our town so very special. Their reputation is one of homophobia and misogyny, which have no place in our community. What's more, they have made it clear that their so-called resort/hotel/school/camp would be closed to the public.

Unlike this the applicant, the religious groups in our town are humble enough to know that by living here, you become part of something larger than yourself. Saint Anthony's food pantry, for example, feeds seniors and other underserved citizens, and the church has always offered their premises for emergency services and adjunct town gatherings.

I should mention here that I am a proud American Jew, and as such I am particularly sensitive to the danger of having such a divisive Jewish group here who claims that they have special rights and privileges the rest of the town does not enjoy.

I am terrified as to where this may be headed — I am already prepared to hear claims of anti-Semitism when the application is lawfully and rightfully denied. The applicant would be following a path set by other similar groups looking to bulldoze small towns. Claiming religious freedom and projecting bigotry is part of their playbook to harass and intimidate regulatory bodies.

We must put out the message that this town is run by the people for the people, and we cannot be intimidated by frivolous lawsuits and defamatory claims of discrimination.

Any accusation of anti-Semitism or religious intolerance in the case of denial of this application is crying wolf, and worse, it is dangerous, especially in these fraught times when genuine anti-Semitism and hate is on the rise.

There is every sound legal and environmental reason to deny the applicant's request to turn the resort into a mega-camp. Their proposal is a clear and present danger to our lifestyle, the density and character of our neighborhoods, and the peaceful nature of our town.

Very truly yours,

Mike Edison
204 Yulan-Barryville Road
Barrville, NY

cc: John Pizzolato, Town of Supervisor

Mr. Michael Kidney
225 Mail Road
Barryville, NY 12719
845-557-0344
May 28, 2024

To Whom It May Concern,

I am writing to bring to your attention a disturbance caused by fireworks in the early morning hours of May 26, 2024, specifically at 12:20 AM. The fireworks were coming from 211 Mail Road in Barryville, NY.

The noise from the fireworks was extremely loud and disruptive, occurring at a time when most residents are asleep. This disturbance not only caused a significant amount of stress and discomfort for myself and my family, but it also likely affected many other residents in the area. Additionally, such activities can be particularly distressing for pets, young children, and individuals with certain health conditions.

I would like to highlight that fireworks are not covered under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Therefore, any claims that these activities are protected under this federal law are unfounded. RLUIPA is designed to protect religious exercise in land use, and it does not provide blanket exemptions for activities that cause significant disturbances to the community.

I would appreciate if you could address this issue and take the necessary steps to prevent similar disturbances in the future. Ensuring that community guidelines regarding noise and fireworks are followed is important for maintaining a peaceful and respectful neighborhood.

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Michael Kidney". The signature is written in a cursive style with a blue ink color.

Michael Kidney

Code

From: Supervisor
Sent: Monday, June 03, 2024 8:29 PM
To: Code; Larry Fishman; Jeff Spitz
Subject: Fwd: 211 mail rd

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From: Kerri Mellon
Sent: Monday, June 3, 2024 8:02 PM
To: Supervisor <TownSupervisor@townofhighlandny.com>
Subject: Fwd: 211 mail rd

----- Forwarded message -----

From: Kerri Mellon
Date: Mon, Jun 3, 2024, 7:56 PM
Subject: 211 mail rd
To: <planningboardzba@townofhighlandny.com>

To the Town of Highland Zoning Board,

My name is Kerri Mellon. My family and I live at 186 Yulan-Barryville Rd in Barryville. I'm writing to express my major concern for the address: 211 Mail Road. As you are aware the owners are proposing a religious mega-camp-school-daycare center, synagogue, a ritual bath, with numerous new dormitories and parking lots. Not only is the location not zoned for such an enormous plan, it is unwanted, illegal and frankly will destroy the neighborhood in which it is proposed.

If you've ever driven on Mail Road you would agree.

Speaking to each of my neighbors we all have the same concerns and sentiment here. We want no new buildings. Not 1.

I believe the new owners have been duped by the previous owners and now not only expect the rules be changed in their favor, but, they're willing to go to court over it. They didn't do their homework about the zoning in our town and now they're giving us the proverbial finger and are willing to sue our town for their mistake. (Or their advisors mistake)

Mr. Barshav has presented all kinds of cases that have gone in his favor, or the favor of the same cause RLUIPA however I'm hoping you, the zoning board look into 2 things.

1. The cases in the matter that have not been in favor of RLUIPA
2. The current state of the areas in which these "won" cases have benefited and enriched the towns and neighborhoods in which the court cases happened.

We as a town, and our town officials need to stand together here on this matter. No new buildings. They are not good for the town and will do major damage to our town and the neighbors on Mail Road, and the bordering properties. The

preservation of our town is more important than caving to the fear tactics and threats from a lawyer from Rockland who could care less about the town of Highland or the impact of this project.

Thank you
Kerri Mellon

May 24,2024

Memorandum to previous written letters to all members of the planning and zoning board members as well as to our Town Supervisor from Linda Anderson.

On my prior letter I failed to mention the noise factor that occurred in past usage by large groups of both young women and men (not children) who were attending unauthorized activities at 211 Mail Road. This included usage of bull horns or loud speaker, loud music (we could not enjoy our decks in the afternoon and evening) and fireworks well past 11pm and into the night (after midnight)! If the projected usage of the properties will increase, then the loud noise will increase as well thus violating noise ordinance and disturbance in a quiet residential neighborhood. Police were notified by several to no ado; and as most residents must go to work the next day or are elderly and need their sleep. On a larger scale this will be extremely detrimental to our health.

A second issue is the increased traffic, speed despite the posted signs, and narrow country roads. My husband who is becoming increasingly deaf even with hearing aids; expressed his fear while picking up the mail that he will be hit by a car as it zooms past. There is only a very short distance between the road edge and mail box which cannot be moved due to an embankment right behind it.

May 25,2024

After adding these above issues, residents on Mail Road were rudely awoken at **12:20 am** by loud fireworks from those staying at 211 Mail Road. Just when I thought they were over; the second round started. As I was not feeling well, I had taken medication to help me sleep and just started to finally fall asleep when I was jarred awake. This also is disturbing since the dense woods are dry, lots of dead trees, leaves, and pine needles in the area where they were shotting them from, the chance of sparks dropping would be disastrous in any direction. To add to this, fireworks are illegal in NYS!!

Your consideration to all these issues would be greatly appreciated.

Linda Anderson

Code

From: [REDACTED]
Sent: Thursday, May 30, 2024 2:19 PM
To: Code
Cc: Town Clerk
Subject: 211 Mail Rd

In the early morning hours of May 26 at approximately 12:30am several fireworks were heard by myself and my neighbors coming from the property of 211 Mail Rd. There is a noise ordinance past 10pm and as this was for a short period of time I saw no need to call the police. With this new project of a religious retreat being considered, I fear there may be more incidents like this one happening as have happened in the past. I understand they want to have a quiet peaceful retreat for religious freedom but what about the neighbors who have lived there for 30 years, more or less, that love their peace and quiet? Will that be taken away from them just like that? Is that fair? Some of us moved here just for the sake of peace and quiet. Some of us require it for health reasons. This is a residentially zoned area and it's totally unfair to have that taken away from us. Also all of these buildings that would be built would take away from the beauty of this area and would drive some of the animals away. Please reconsider this project for another area that might be better suited for this religious retreat.

**Thank you,
Gail Rosenhan
224 Mail Rd**