

Town of Highland
Planning Board Minutes
June 26, 2024

Chairman Jeffrey Spitz calls the meeting to order at 6:00 PM

Motion to open the meeting

Motion: Tim McKenna Seconded: Steve Bott All in Favor.

Chairman states that the meeting is being recorded.

Attendance:

| | | |
|------------------|-------------------|---------|
| Jeffrey Spitz | | Present |
| Frank Monteleone | | Present |
| JT Vogt | | Absent |
| Steve Bott | | Present |
| Tim McKenna | | Present |
| Alternate: | Dave Pietkieowicz | Present |
| Alternate | Ted Knuetter | Present |
| Board Secretary | Helene Hoffmann | |
| Town Attorney | Steve Mogul | |
| Code Enforcement | Chris Watson | |

The chairman states that since JT Vogt is absent tonight, Dave Pietkieowicz will fill in. Chairman states that also present is Steve Mogul, the town attorney, Ken Ellsworth from Keystone and Chris Watson, Code Enforcement Officer.

The chairman explains that since our attorney, Steve Mogul, needs to leave early we are making a change to the agenda and will be starting with Studio 55.

Application #5-2024 -Studio 55 LLC Site Plan Review Section 12 Block 6 Lot 12

Represented by Nonna and Jeffrey Hall
Special Needs Permit and Site Plan Review.

The chairman states that Ken Ellsworth, the town's engineer will start by reviewing his findings. Mr. Ellsworth states that a new set of revised plans were submitted by Tim Gottlieb. He goes on to say that some of the original issues have been resolved. Studio 55 hired a well driller whose findings were that the well yields 11 gallons/minute which is sufficient so the well issue is resolved. The next issue discussed regarding the sewer and if it is sized properly. The plans sent by Tim Gottlieb shows that it yields 660 gallons a day capacity and in reviewing those plans it is sufficient to service the use of the development. Mr. Gottlieb has a change on a setback due to the center line of the road and that has been done. Looking into the plans for handicap accessibility, there is insufficient room to move a wheelchair from the shoulder of the road to the bump out of the building so it would be a hardship to ask for that on the southside of the building (on the same side of the street) so Mr. Ellsworth feels we can waive that issue on the part of the planning board. Mr. Ellsworth asked Mr. Gottlieb not to make any further changes to the plans until the planning board had a chance to review it. Mr. Ellsworth confirms that Mr. Gottlieb has to make some changes to the plans that are final as well as any changes the planning board suggests, if any, then his assessment is complete. The chairman asks Chris Watson, the CEO, if he had any questions regarding this application. Chris asks if they had a chance to provide the fire protection details and Mr. Gottlieb states it is part of the building plans that are submitted.

Chris states that it is needed as one of the requirements. The chairman asks if the board has any questions. The board asks that without having a set of the architectural plans, how will we know that the retail space will only be 900 square feet. Nonna Hall explains that she is looking at the plans from the previous owners and the site plan and it shows a maximum of 900 square feet for retail which the chairman reiterates and confirms. The chairman asks if the applicant will address the issue with event parking. Jeff Hall goes on to explain that they have spoken to other businesses in the area who have agreed to let them use parking during those events. He goes on to say that for safety purposes, they will be buying warning cones to place during the events as well as hiring two people with vests who will be helping with traffic. The chairman reminds us that Tim McKenna has recused himself from this application so Ted Kneutter will be filling in. Steven Mogul asks if the board has voted on a determination of significance under SEQRA and feels it is important to see if it has any environmental impacts. Steven Mogul reviews the criteria of the SEQRA point by point and each criteria is answered no by the board to each of the criteria. Given the responses of the board, the town attorney suggests a vote be taken on the fact that this project will not have any material environmental adverse effect impact and as a consequence is issued a negative declaration. A motion is taken to vote on this. Motion – Dave Pietkieowicz . Seconded Frank Monteleone. All in favor. Role call is taken to approve the declaration. All vote yes and the declaration is passed. One more question is asked from the board inquiring if a written agreement was obtained from businesses to allow the parking there at events. Nonna Hall responds that no they don't but that most of the events are done when the other businesses are closed. Their lawyer, Jacob Billig intervenes and explains that events are exempt under the town code but that this applicant is doing this in good faith and are doing their best to alleviate the concerns of safety. The chairman asks for a motion to accept this application with the understanding that the handicapped parking spot is not needed and that issue is waived, that they obviously will work with the code department for the fire safety of the separation between the first and second floor and that the fire safety is up to code, that the architecture plans will indicate a maximum of 900 square feet of retail space, and as far as the event parking that they will use parking from other area business, will hire up to two people to monitor traffic, they will have the warning cones up and to submit the final plan with the corrections and further conditions as well as any further representation that the applicant or attorney has made to the board or after that. The lawyer clarifies that the vote is for the special use permit and the site plan. Chairman asks for a motion. Motion made – Dave, Second – Frank. A vote is taken. Role call is taken. All vote yes. The chairman announces that the motion is carried and the application is accepted.

The chairman reminds everyone that since we had to jump to this first application for Studio 55, we now need to resume the agenda. The chairman asks everyone to stand for the Pledge of Allegiance .

The chairman states he would like to remind everybody that this is a meeting that is open to the public. Unless there is a public hearing, the meeting is not open for public comment. You are able and recommended to send emails and letters, and those can always be sent to the planningboardzba@townofhighlandny.com which is listed on the agenda.

A motion is taken to accept meeting minutes from May 22, 2024.

Motion: Tim McKenna

Seconded: Dave Pietkieowicz

All in favor.

Old Business:

Public Hearings:

Application #7-2024 – Ashley Barnes and Geoffrey Barnes, 6 Bodine Lake Road, Yulan. Section 16 Block 5 Lot 5. The application presents for approval of a short term rental.

The secretary then reads the public hearing notice posted in the paper.

- *Please take notice that the Planning Board of the Town of Highland will hold a Public Hearing pursuant to Section 190 of the Town of Highland Code on the application #7-2024 of Ashley and Geoffrey Barnes for approval of a Short Term Rental on the property identified as Town of Highland Section 16*

Block 5 Lot 5. Said hearing will be held on the 26th day of June 2024 at the Eldred Town Hall, 2 Proctor Road, Eldred, NY at 6:00 PM, at which time all interested parties will be given an opportunity to be heard.

The secretary states there were 36 letters sent and 10 received back return mail and there was no correspondence.

Motion to open Public Hearing: Steve Bott
All in favor.

Seconded: Frank Monteleone

Ashley Barnes reviews her application for the residence she is using as a short term rental. She reviews the house and the parking. The chairman asks if it is her primary residence and she states it is not but that they come up twice a month. The chairman confirms that is not their primary residence but is owner occupied. The chairman asks the board if they have any questions which they don't. He then asks if there is any public comments. Dolores Casey asks how if there is only 2 bedrooms they can fit up to 8 people. Ashley Barnes corrects it and says there are 3 bedrooms and they have a living room that can fit additional people to sleep. The board asks if their fire inspection was done and Ashley Barnes confirms it was and they had passed. The board asks about the blue sign and she confirms it is posted.

Motion to close public hearing: Tim McKenna
All in favor.

Second to approve: Steve Bott

Motion to approve application.

Motion: Tim McKenna
All in favor.

Seconded: Frank Monteleone.

Application #8-2024 – Emmett and Sheila Rowley - 5 Maplecrest Road, Eldred Section 11 Block 1 Lot 56.
Represented by Emmett Rowley

The secretary then reads the public hearing notice posted in the paper.

Please take notice that the Planning Board of the Town of Highland will hold a Public Hearing pursuant to Section 190 of the Town of Highland Code on the application #8-2024 of Emmett and Sheila Rowley for approval of a Short Term Rental on the property identified as Town of Highland Section 11 Block 1 Lot 56. Said hearing will be held on the 26th day of June 2024 at the Eldred Town Hall, 2 Proctor Road, Eldred, NY at 6:00 PM, at which time all interested parties will be given an opportunity to be heard.

The secretary states there were 12 letters sent and 5 received back return mail and there was no correspondence.

Motion to open Public Hearing: Dave Pietkieowicz
All in favor.

Seconded: Tim McKenna

There was one correspondence. The e mail is read by the secretary. "I am writing to ask that the request for a short term rental property be denied. My wife and I built our cabin in order to enjoy the solitude of nature and the community of homeowners. I fear that the president set in allowing rentals would change the character of the area in a negative way".

Sincerely,
David Christensen

Emmett Rowley reviews his application for they residence they are using as a short term rental. He reviews the house and the parking. He states that it is a seasonal home and is closed in September for the winter. The family comes up when they can and they want to rent out the house when they can. The chairman asks if it is their primary residence and he states it is not but that they come up when they can. The chairman confirms that is not their primary residence but is owner occupied. The board asks if the fire inspection was done which

Emmett Rowley confirms it was and they passed. They confirm they have the blue sign posted. The chairman asks if there is any public comments. There is none.

Motion to close public hearing: Dave Pietkieowicz Seconded: Tim McKenna

All in favor.

Motion to approve application and reiterates that quiet hours are between 10:00 PM and 7:00 AM.

Motion: Steve Bott Seconded: Frank Monteleone. All in favor.

Application #9-2024 – Peter Maslow – Section 3 Block 1-14.3 921 NY 55, Eldred

Represented by Peter Maslow

The secretary then reads the public hearing notice posted in the paper.

Please take notice that the Planning Board of the Town of Highland will hold a Public Hearing pursuant to Section 190 of the Town of Highland Code on the application #9-2024 of Peter Maslow for approval of a Short Term Rental on the property identified as Town of Highland Section 3 Block 1 Lot 14.3.

Said hearing will be held on the 26th day of June 2024 at the Eldred Town Hall, 2 Proctor Road, Eldred, NY at 6:00 PM, at which time all interested parties will be given an opportunity to be heard.

The secretary states there were 6 letters sent and 3 received back return mail and there was no correspondence.

Motion to open Public Hearing: Dave Pietkieowicz Seconded: Frank Monteleone

All in favor.

The chairman asks if there are any questions from the board. They ask about the fire inspection and it is confirmed that he has it done and he passed. The chairman asks if there are any public comments and there are none. The board confirms that the insurance was received. The board asks about parking and the applicant confirms there are 5-6 parking spots.

Motion to close public hearing: Dave Pietkieowicz Seconded: Steve Bott All in favor.

Motion to approve application and reiterates that quiet hours are between 10:00 PM and 7:00 AM.

Motion: Tim McKenna Seconded: Steve Bott All in favor.

New Business:

Application #10-2024- Paul Bertram – Informational Session Only.

Informational only to discuss applicants plans to rent out boat slips and his private home in Highland Lake for parties and private events as well as the commercial signs posted on the vacant lot. Chris Watson, CEO, asks the applicant to remove the signs as soon as possible. It is reiterated that a violation letter was sent and Paul Bertram states he will remove the sign the next day. He then goes on to explain the reason why he wanted to rent boat slips and renting his property for parties. He is asked if there is a home on it and Paul states there is not but that he has fixed up the property, landscaping, boat slips, etc. He states that he has a large parking area that people can park and he would have porta-potties placed. Chris Watson feels if you let him do this, everyone will do it. It is confirmed it is not zoned for this. A discussion is held among the board between needing a special use variance or a special use permit. It is confirmed that it is not on the books as far as a permitted use and a special variance will be needed. The applicant is asked to send in an application to the zoning board and will be placed on the agenda for the zoning board meeting on July 18, 2024.

Motion to send to Zoning Board: Dave Pietkieowicz Seconded: Tim McKenna

Application #11-2024- Steven Rodrigues – 110 Split Rock Road, Section 22.-2-11.1

Represented by Steven Rodrigues

110 Split Rock Road, Barryville

The applicant is applying for a Short Term Rental. He reviews the residence which is 4 bedroom and 3 baths. He uses the home as a vacation home but would like to use it at other times it as a short term rental. It is in the PineArye Development with an HOA. The chairman then clarifies that the planning board has no responsibility with the HOA and that if the planning board approves it but the HOA does not approve it, we do

not supersede that. The chairman asks if there are any questions from the board. The board asks if the applicant reached out to the HOA. Steven Rodriguez confirms he e mailed them but had not heard back. He is asked when he reached out to them and states January. The board reiterates he may want to reach out again. They also asked how many homes are in the development and applicants states 25-30. The board confirms that there is a property management company on the application and confirms they will manage the property for the short term rental. The applicant is told to make sure the fire inspection is scheduled.

Motion for pubic hearing: Steve Bott

Seconded: Tim McKenna All in favor

OLD BUSINESS:

Application #4-2024 Guillermo Morales Sub Division-

Represented by James Irwin.

The chairman states that the applicant was sent to the ZBA because of how the lots were set up. There was a substandard lot used as a rightaway. The ZBA needed to approve a use variance for this substandard lot which the ZBA has done. Now that they have this approval, the applicant is now back in front of the planning board for the subdivision. The Zoning Board of Appeals approved this at the May 21, 2024 meeting with the stipulation that nothing will ever be built on this substandard lot and the gate will never be locked in which the applicant agreed. The applicant shows a map of this subdivision to both the board and the public. The board questions the owner and the deed of the substandard lot. The rightaway will be deeded and taxes paid by the owner of lot 35.2. Applicant is requesting to sub divide tax lot Section 11 Block 1 Lot 35.1. Maps submitted. It is currently 16 acres, wanting to subdivide into a 10 acre, 5 acre,

The chairman makes a motion to schedule a public hearing for July 24, 2024 at 6:00 PM.

Motion to schedule a public hearing: Tim McKenna Seconded: Steve Bott All in favor

Application #6-2024 - Eldred Preserve -

Represented by Dan Silna.

The applicant us applying for a subdivision of property to build a 13,000+ spa on the premises. The chairman introduces Ken Ellsworth and explains that he was hired as the town engineer. Mr. Ellsworth explains he has started reviewing this project. The engineer from the Eldred Preserve, Christine Zolezi, is present and Mr. Ellsworth reviews the plans with her. He confirms that there are 7-10 employees and questions the septic with them and asks if they will be submitting a report on this. Ken questions the capacity of the septic system and they confirm that there is a capacity and asks if a report can be submitted regarding this. Ken asks if they can keep the disturbance under an acre and their engineer confirms they will review this. The chairman asks if there are questions from the board and there are none. Dan confirms that Christine will get all the information requested so they can have the public hearing in July. The chairman states that all these conditions will need to be reviewed and approved by Ken Ellsworth at least 10 days before the next meeting so that they can have a public hearing on July 24, 2024.

Motion to schedule a public hearing: Tim McKenna Seconded: Dave Pietkieowicz All in favor.

Application #5-2022 Camp Fimfo – Catskill (Kittatiny) –

Daniel Represented by Rubin & Alex Betke

Caren LoBrutto states that the revised DEIS report was sent for review. They state they sent the report on June 2nd but it confirmed by the secretary that it was received on June 12th. Therefore, the board has 45 days to review the report and can decide if the public can review the report. It is agreed that even though the 45 days is 2 days past the next planning board they would like to come in on the next meeting which is confirmed by the board. Ken states that he has started to review the document and confirms that everything we asked for in the Scoping document is referenced and written about in the DEIS and it is just a matter to review this report by the board. The chairman explains to the public that there is a process in reviewing an environmental impact study and that we are up to #6 in the process in which the applicant submits it to the planning board. The board then has 45 days to determine if the DEIS report is adequate for the public to review in terms of scope and content. If it is not adequate, it is returned to the applicant for revisions. After resubmission, the planning board then has 30 days to review and determine its adequacy. From there the board issues a letter of completion and posts the study on the town website. The filing of the notice of completion begins the 30 day public comment period which must contain at least 10 days past the close of the public hearing if held. The applicant then prepares the final environmental impact study in 45 days after the hearing, or within 60 days

after the filing of the environmental impact study whichever is last. The board prepares letter of completion, publicly posts it and each involved agency must prepare and submit a final written SEQRA study. So this is still very much continued. It's not just the end of it. The chairman confirms the link to review the reports are on the agenda and the secretary confirms the link can be found on the town website where the minutes are posted. The planning board confirms they are being very transparent but that it is still an extended process and will take into consideration what the public has to say. It is confirmed that the applicant will be at the next meeting for further review on just the DEIS report. The board asks if the applicant can lay out which order the reports will be reviewed and the applicant explains that they should use the scoping document as their table of content to review the reports. The applicant will be at the next meeting on July 24, 2024. The chairman asks that the board submit all comments and questions by July 19th to be sent to the planning board e mail address so we can combine them and send one report to them for answers.

The chairman then states he has new business. He reads the following letter to the planning board:

“As the town and planning board are going through significant changes, I want to remind all that as planning board members our role and responsibility is that when we receive an application from code for the stated purpose (ie. special use permit, site plan review, lot line adjustment) it is our job to determine if it is indeed a permitted use and if so, if the applicant has supplied all of the necessary information as per town codes. If we have a question regarding a code or believe that something is missing from the code, that should be returned to code office. We should conduct ourselves professional and respectful at all times, both during the meeting and in public. We should be familiar with open meeting laws which include not discussing an open application outside of the official meeting. Not giving our interpretation of the code outside of meetings, making any promises, striking any deals or become involved in any heated debates. If approached by media or community members, we do not answer questions as representatives of the planning board. If you want to share your personal opinion about an application I would advise against it but if done you could be asked to recuse yourself from said application depending on the nature of the statement.

As planning board members be reminded that we are appointed by the town board and serve at their pleasure. We are representatives of the town, thus should conduct ourselves with moral and ethical integrity which includes recusing ourselves from an application if there is a conflict or possibly a perception of conflict. It is recommended that any issues should be first discussed with myself as the chair and possibly include our town attorney. Any conversations or statements that negatively impact the functioning of this planning board will be addressed accordingly

Moving forward there are plans to streamline our process, some examples include but are not limited to...improving our application process, adjusting fees to be in line with times, making it available and fillable online, having appropriate information readily available to the public on our town website and creating an application process that starts with code, determining if planning board needs to referred application and if so, reasoning. Then this information will be reviewed to ensure the relevant information is included before scheduling applicate to come in front of the planning board. Once all information is available, then schedule them to appear. The hope is that it will prevent the process from lingering months and be more efficient and effective for all of our time. Other thoughts and areas for improvement can be sent to my attention via the planningboardzba@gmail.com account”.

Motion to close meeting: Frank Monteleone
All in Favor.

Seconded: Dave Pietkieowicz

The chairman closes the meeting at 7:11 PM.