

Town of Highland Planning Board  
Meeting Minutes May 24, 2023

Co Chairman JT Vogt calls the meeting to order at 6:00 PM

Pledge to the Flag

Co-Chair states the minutes are being recorded

Secretary takes attendance.

Attendance:	Norm Sutherland	Absent
	JT Vogt (co-chairman)	Present
	Jeffrey Spitz	Present
	Steve Bott	Present
	Tim McKenna	Present
	Laura Burrell	Present
Board Secretary	Monica McGill	Present
Town Attorney	Michael Davidoff	Present
Code Enforcement	BJ Gettel	Present
Also, in attendance - Scott Reed (alternate)		

Motion to approve the April 26, 2023 meeting minutes:

Motion: Jeff Spitz                      Second: Steve Bott

All in favor

Camp Fimfo - Catskill (Kittatiny) and 211 Mail Rd Applications have been removed from the agenda. The board is waiting on additional information to move forward.

Correspondence:

Jeff Spitz reads the reply from the UDC in regards to the (7) Short Term Rental applications on the agenda. (see attached)

**Application #4-2023 Dustin Tomes Short Term Rental Public Hearing**

Mr. Tomes was unable to make the April 26, 2023 meeting, so the public hearing was rescheduled for this evening.

Motion to open the public hearing on application #4-2023:

Motion: Steve Bott                      Second: Laura Burrell

All in favor

Mr. Tomes uses the residence for his family, but when the home is not used, he rents the property out.

As per the code enforcement officer Mr. Tomes passed his fire inspection.

Secretary reads the public notice published in the local newspapers.

There were (4) letters mailed to the surrounding neighbors and (4) returned

There were no comments from the public and the board.

Motion to close the public hearing on application #4-2023:

Motion: Jeff Spitz    Second: Steve Bott

All in favor

Motion to make the Planning Board lead agency for SEQR:

Motion: Laura Burrell    Second: Scott Reed

All in favor

SEQR Part 2 read by Michael Davidoff and completed by the board.

Motion for SEQR part 2 will not result in any significant adverse environmental impacts:

Motion: Steve Bott    Second: Scott Reed

All in favor

Motion to approve application #4-2023 Dustin Tomes Short Term Rental with the condition of quiet hours to be observed 10PM to 7AM:

Motion: Jeff Spitz    Second: Laura Burrell

All in favor

### **Application #10-2023 Drew Villano Short Term Rental Public Hearing**

Ms. Villano's public hearing was adjourned due to an issue with the mailings to the surrounding neighbors.

The secretary was asked to have the county supply a list of the properties and compare it to hers.

Both the list from the county and that of the secretaries matched.

Motion to close the public hearing on application #10-2023:

Motion: Laura Burrell    Second: Jeff Spitz

All in favor

Motion to make the Planning Board lead agency for SEQR:

Motion: Scott Reed    Second: Steve Bott

All in favor

SEQR part 2 read by Michael Davidoff and completed by the board.

Motion for SEQR part 2 will not result in any significant adverse environmental impacts:

Motion: Jeff Spitz    Second: Steve Bott

Motion to approve application #10-2023 Drew Villano Short Term Rental with the condition quiet hours to be observed 10PM to 7AM:

Motion: Laura Burrell    Second: Jeff Spitz

All in favor

### **Application #13-2023 Fred Reber Minor Sub-Division Public Hearing**

Motion to open the public hearing on application #13-2023:

Motion: Scott Reed

Second: Laura Burrell

All in favor

Jeff Spitz reads the correspondence in regards to this application from the UDC (Upper Delaware Council), the DOT (Department of Transportation), & Julius Robinson (please see attached)

Secretary reads the public notice published in the local newspapers.

There were 36 letters mailed to the surrounding neighbors and 26 returned.

Mr. Reber owns 6.3 acres and is looking to sub-divide into (3) lots. Once a lot is sold it will be the new owner's responsibility to contact the DOT in reference to the placement of the driveway.

There is also a sign on the property that blocks the view on Route 97 making it difficult to see the oncoming traffic. Mr. Reber will be moving the sign back as to not obstruct the view.

Public Comment:

Doreen Warner has concerns that a new owner building on one of the lots will shine headlights into her home. She also has concerns about the sign mentioned above.

Board Comment:

JT Vogt mentions that the driveways shown on the map are only generic and are subject to change.

Motion to close the public hearing:

Motion: Tim McKenna

Second: Laura Burrell

All in favor

Motion to make the planning board lead agency for SEQR:

Motion: Tim McKenna

Second: Steve Bott

All in favor

SEQR Part (2) read by Michael Davidoff and completed by the board.

Motion for SEQR Part 2 will not result in any significant adverse environmental impacts:

Motion: Steve Bott

Second: Tim McKenna

All in favor

Motion to approve application #13-2023 Fred Reber Sub-Division with the following conditions: The sign located on State Route 97 be moved and that when the property(s) are sold that the driveways follow DOT regulations.

Motion: Jeff Spitz

Second: Tim McKenna

All in favor

### **Application #14-2023 SPSTR 1 LLC Short Term Rental**

Scott Vaughn appears on behalf of the applicant. The property is located on 42 Yulan Barryville Rd (SBL) 13.-1-4. The home is 2 bedrooms, and has been renovated to be

used as an Airbnb. The board goes over the checklist and Mr. Vaughn is told to schedule a fire inspection with the code office to be done before the public hearing. Motion to schedule a public hearing on application #14-2023 to be held on June 28, 2023 at 6PM:

Motion: Jeff Spitz

Second: Tim McKenna

All in favor

### **Application #15-2023 Anne Rogers Short Term Rental**

Paul Cox appears on behalf of the applicant. The property is located at 136 Yulan Barryville Rd. (SBL) 26.-1-1 The size of the property is approximately 10 acres and was mainly used for family and friends. Now it is being used as an Airbnb.

BJ Gettel asks that the number of bedrooms needs to be verified. The board goes over the checklist and Mr. Cox is told to schedule a fire inspection with the code office before the public hearing.

Motion to schedule a public hearing on application #15-2023 to be held on June 28, 2023 at 6PM:

Motion: Laura Burrell

Second: Tim McKenna

All in favor

### **Application #16-2023 Earl Cokley Short Term Rental**

Mr. Cokley was not present. The secretary will contact the applicant.

### **Application #17-2023 Eric Hantman Short Term Rental**

Mr. Hantman owns property on 64 Hartung Road (SBL) 7.-1-74.1 that is used as an Airbnb. The board goes over the checklist, and Mr. Hantman is asked to schedule a fire inspection with the code office before the public hearing.

Motion to schedule a public hearing on application #17-2023 to be held on June 28, 2023 at 6PM:

Motion: Tim McKenna

Second: Steve Bott

All in favor

### **Application #18-2023 Bill Victori & Allison Kubinski Short Term Rental**

Allison Kubinski owns property on 46 Yulan Barryville Rd. (SBL) 27.-2-1 that is used as an Airbnb. The board goes over the checklist and Ms. Kubinski is asked to schedule a fire inspection with the code office before the public hearing.

Motion to schedule a public hearing on application #18-2023 to be held on June 28, 2023 at 6PM:

Motion: Steve Bott

Second: Tim McKenna

All in favor

### **Application #20-2023 Aaron Andrews & Claudia Crespo Short Term Rental**

The property is located on 3 Melanie Lane (SBL) 11.A-2-7

Michael Packer of Packer Associates Inc. appeared on behalf of the applicant.

The home is 2 bedrooms near Washington Lake. The board goes over the checklist and Mr. Packer is asked that he notify his clients that a fire inspection will need to be scheduled with the code office before the public hearing.

Motion to schedule a public hearing on application #20-2023 to be held on June 28, 2023 at 6PM:

Motion: Laura Burrell

Second: Steve Bott

All in favor

### **Application #21-2023 John Oliva Short Term Rental**

Mr. Oliva bought the home located on 2 Park Road (SBL) 17.-4-22 on December 15, 2022, and cleaned up the property and house to be used as an Airbnb. The home is 2 bedrooms and 1 bath. The board goes over the checklist. Mr. Oliva has sent his request to the American Legion in regards to the 911 #. Mr. Oliva is asked to schedule a fire inspection with the code office before the public hearing.

Motion to schedule a public hearing on application #21-2023 to be held on June 28, 2023 at 6PM:

Motion: Jeff Spitz

Second: Tim McKenna

All in favor

### **Application #12-2023 Eve Fisher Site Plan Review**

Ms. Fisher and her husband Andrew McGrath appeared before the planning board on April 26, 2023. They were asked to obtain a survey showing parking and a site plan drafted by a licensed engineer, and to amend the application. They also needed to put \$2000.00 in escrow to cover the cost of the town's engineer.

Appearing are Eve Fisher, Andrew McGrath and Michael Packer of Packer Associates Inc. They have presented an amended application and submitted all documents that were required along with the escrow.

Ms. Fisher is looking to open a retail wine shop located on 3432 State Route 97 in Barryville.

The DOT has approved the driveway.

There are five parking spaces opposite the building and a handicap parking space along with an additional parking space next to the building.

Hours of business will be Wednesday through Sunday 12PM to 7PM.

Michael Packer states that the property does not need a special use permit being the property is pre-existing as a business previous to Ms. Fisher purchasing.

Michael Davidoff requests proof of prior business to make the process move along more easily. Mr. Fisher states that the sign of the previous owner is still there and she will send pictures.

The secretary has already sent the amended application to the UDC and to the county

239M for review.

The application will be sent to the town engineer for review.

Motion to schedule a public hearing on application #12-2023 to be held June 28, 2023 at 6PM:

Motion: Steve Bott

Second: Laura Burrell

All in favor

**Application #19-2023 Mark Rossi Animal Husbandry**

Mr. Rossi owns (2) acres of property on 98 Stege Road. He currently has (7) cows, chickens, geese, and ducks. He has always had animals on the property since 1988, and he added the cows in 2005. One of the cows is 16 years old and weighs 1200 pounds, and he has five calves that weigh under 500 pounds each. He states that the animals are moved to a small pasture from June 1<sup>st</sup> to Thanksgiving with the exception of the 16-year-old cow. From December to May the cows are back at his property and kept inside.

The questions asked are in regards to the five calves, how long are they kept before they are sold? The concern is that they will grow very quickly. Mr. Rossi explains that they are Jersey cows and they tend to grow at a slower rate.

Mr. Fred Bosch had previously allowed Mr. Rossi to move his cows to a small parcel of land that he owns, but there were problems with bears and deer and the cows getting loose that Mr. Bosch could not take on the liability it was causing.

Mr. Rossi is asking the board to approve him having a maximum of ten cows.

At this time the application will be put on hold, and sent to the town engineer for review.

Mr. Rossi will be notified if he will need to be at the June 28, 2023 meeting.

He was also informed that he cannot have any other violations on record with the town for the process to continue.

Motion to close the meeting:

Motion: Jeff Spitz

Second: Tim McKenna

Meeting adjourned

## Planning Board and Zoning

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**From:** Kerry Engelhardt <kerry@upperdelawarecouncil.org>  
**Sent:** Friday, May 12, 2023 11:19 AM  
**To:** Planning Board and Zoning  
**Cc:** Norm Sutherland (ngs\_construction@yahoo.com); bjgettel1@gmail.com  
**Subject:** RE: Short Term Rentals 052423

Monica,

I looked at all seven (7) short term rental applications. All but one are located outside of the Upper Delaware River Scenic and Recreational River corridor.

The one property located within the corridor is from Applicants Bill Victori and Alison Kubinski, located at 46 Yulan-Barryville Road in Barryville. Since the application is for an existing single-family dwelling, less than 35' in height and located more than 100' from the Delaware River, no formal Project Review is required from the UDC.

*Kerry Engelhardt, P.E.*  
**Resources & Land Use Specialist**



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LAND • WATER • PEOPLE

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**From:** Kerry Engelhardt  
**Sent:** Friday, May 12, 2023 10:59 AM  
**To:** Planning Board and Zoning <planningboardzba@townofhighlandny.com>  
**Cc:** Norm Sutherland (ngs\_construction@yahoo.com) <ngs\_construction@yahoo.com>; bjgettel1@gmail.com  
**Subject:** RE: Short Term Rentals 052423

Thank you Monica! I've received all seven files. I'll review them and get back to you.

*Kerry Engelhardt, P.E.*  
**Resources & Land Use Specialist**



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LAND • WATER • PEOPLE

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**HEATHER BROWN**  
ACTING COMMISSIONER



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SULLIVAN COUNTY  
DIVISION OF PLANNING, COMMUNITY DEVELOPMENT & ENVIRONMENTAL MANAGEMENT  
SULLIVAN COUNTY GOVERNMENT CENTER  
100 NORTH STREET, PO BOX 5012  
MONTICELLO, NY 12701

May 23, 2023

Norman Sutherland, Chair  
Town of Highland Planning Board  
4 Proctor Rd.  
Eldred, NY 12732

RE: **HIG23-01: Reber Minor Subdivision – Subdivision review {SBL: 27.-8-2.1}**  
GML-239 County Review

Dear Mr. Sutherland,

The following review has been conducted in accordance with GML §239-l, -m & -n.:

- I. **Project description:** Minor subdivision of property into three lots.
- II. **Applicant:** Fred Reber
- III. **Geographic qualification:** State Road 97 & County Road 21A & 20
- IV. **Agency referrals:** NYS DOT, see attached comments; SC DPW, see attached comments.
- V. **Anticipated Municipal and/or Countywide impacts:** None.
- VI. **Recommendation:** LOCAL DETERMINATION
- VII. **Technical Comments**

Site Access

The attached NYS DOT letter lists items that must be submitted when development plans are completed, one of which are plans for driveway openings. We urge the applicant and the Board to ensure that adequate sight distances are able to be obtained from each parcel prior to approving the subdivision to ensure that each parcel is accessible before further development is planned. The applicant should contact the NYS DOT Sullivan Residency at 845-794-7450 for more information.

Best

A handwritten signature in black ink, appearing to be "HB", written over a light blue horizontal line.

Heather Brown  
Acting Commissioner  
HEB/KJ

cc: Nadia Rajs, Legislator  
attachment: 1. Report of Final Local Action  
2. NYS DOT Letter, 5/9/2023  
3. SC DPW Email, 5/16/2023





**Department of  
Transportation**

**KATHY HOCHUL**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**JAMES P. RUSAK, P. E.**  
Regional Director

May 9, 2023

Ms. Cheryl Grande, Confidential Secretary  
Sullivan County Division of Planning, Community Development & Environmental  
Management  
100 North Street  
P.O. Box 5012  
Monticello, New York 12701

Dear Ms. Grande:

**RE: SUBDIVISION REVIEW – REBER PROPERTY  
NYS ROUTE 97 AT SULLIVAN CR 21A,  
TOWN OF HIGHLAND, SULLIVAN COUNTY  
NYSDOT CASE #23-074**

NYSDOT has reviewed the materials for the above-referenced proposal. Please note the following comments:

- Please provide plans for the proposed development of the new parcels, when available.
- Issuance of Highway Work Permits will be required prior to the commencement of any work within the State right-of-way, including for construction of the proposed driveways. Please direct the applicant or property owners to contact the NYSDOT Sullivan Residency at 845-794-7450 for more information or to apply for these permits.
- All new or existing driveway openings shall be designed and constructed or reconstructed in accordance with the *NYSDOT Policy and Standards for the Design of Entrances to State Highways*, which can be found at [www.dot.ny.gov/permits](http://www.dot.ny.gov/permits). Pursuant to this requirement, the driveways shall be situated in locations along the frontage approved by NYSDOT.
- Post-development stormwater outflows to the State right-of-way may not exceed the pre-development condition. Therefore, NYSDOT will require the preparation

of drainage studies, prepared by a licensed engineer, for any proposed development prior to Highway Work Permit issuance.

- Nothing may be placed within the State right-of-way, and no items may obstruct sight lines to or from the NYS Route 97/Sullivan CR 21A intersection.

If you have any questions, or need further assistance, please contact the NYSDOT Sullivan Residency at 845-794-7450.

Sincerely,  
***Original signed by***  
***Sean Murphy for***

Tony Signorelli, P.E.  
Regional Traffic Engineer