

Town of Highland  
Planning Board Minutes  
June 23, 2021

Chairman Berry Hafkin calls the meeting to order at 6:58 PM.

Pledge to the Flag

Chairman states the minutes are being recorded.

Attendance: Berry Hafkin-Chairman  
Norm Sutherland  
Jeffrey Spitz  
Doreen Sweeney (absent)  
Chris Tambini (absent)  
Steve Bott (alternate) present-sat in for Doreen Sweeney  
Board Secretary: Monica McGill  
Town Attorney: Michael Davidoff  
Also in attendance: Dave Preston Town of Highland Code

Motion to approve the April 28, 2021 Meeting Minutes:

Motion: Norm Sutherland Second: Steve Bott

All in favor

#### **Application #1-2021 John & Christine Trifari Lot Improvement**

The Trifari's own (2) lots in the Town of Highland. SBL 10.-1-69.5 & 10.-1-69.6

Mr. & Mrs. Trifari would like to combine the lots into one lot and build a house.

After reviewing the survey map presented by the Trifari's, the board asks the secretary to contact the county in regards to needing a new survey map not showing the property lines, and to let the Trifari's know if a new map will be needed.

Motion to make the Town of Highland Planning Board lead agency for SECRA:

Motion: Steve Bott Second: Norm Sutherland

All in favor

SECRA part (2) read by Michael Davidoff and completed by the board.

Motion for SECRA part (2) will not result in any significant adverse environmental impacts:

Motion: Norm Sutherland Second: Jeffrey Spitz

All in favor

Motion to approve Application #1-2021 John & Christine Trifari Lot Line Improvement:

Motion: Norm Sutherland Second: Jeffrey Spitz

All in favor

#### **Application #2-2021 Catskill Mountains Resort Special Use Permit**

The applicant's lawyer was not present and Mr. Zaccari asked if the board could wait until he arrived.

The board replied five minutes and then they would need to proceed.

The board waited over the five minutes and then requested that Mr. Zaccari proceed without him.

William Zaccari: I'm William Zaccari and am here today to re-instate our Special Use Permit.

Berry Hafkin: The original permit is no longer valid and cannot be re-instated. You have to apply for a brand-new permit. I believe that you will not have to go through the Site Plan process, as long as there are no significant changes that would affect the towns codes.

Applying for a Special Use Permit will require a public hearing, and you will have to fill out the application explaining exactly what you intend to do with the property.

William Zaccari: I think I speak on behalf and thought the agreement between our lawyer and town attorney Michael Davidoff, would be that we would not have to go through the entire process again.

Michael Davidoff: No, there was no agreement. The understanding was that you would need to re-apply for a Special Use Permit.

This application starts the process, but you would need to amplify what you want to do.

William Zaccari: With the process itself, what would be the time frame from today until we can open back up?

Berry Hafkin: The meeting tonight is the first step, and then we would schedule a public hearing for next month.

Jeff Spitz: Are you asking when you can open up?

William Zaccari: Yes.

Berry Hafkin: I can't answer that. We haven't given you a permit yet.

William Zaccari: You know what, that isn't going to be acceptable. Covid did a number on us and we are just going to have to close the place. I was going to sign papers last week for a potential buyer, but the public came together and said why not give it another shot, and I said no problem, I will open up. That's why I am here today. But if that's the case signing the paperwork will solve it. I am not going to go through the whole process. It is unnecessary.

Berry Hafkin: It would be a minimum of sixty days.

William Zaccari: We would miss July and the summer and then we are back into winter. May as well close anyway.

Berry Hafkin: A Special Use Permit requires a public hearing.

Michael Davidoff: You should continue with the application being you already started it. Then you can decide if you want to continue or do anything.

William Zaccari: So, what are you saying, I can open up?

Michael Davidoff: No, I am saying continue with the process.

William Zaccari: It's not going to work. Can't run a business like that, especially in a depressed area like this.

Michael Davidoff: We have no choice; the code says we have to have a public hearing.

Scott Greenberger: Why does it have to be a month down the road?

Berry Hafkin: That's our next scheduled meeting.

Scott Greenberger: You can't have a special meeting under the circumstances?

Michael Davidoff: There are publications that have to go out five days prior to the hearing. Then there are the notices that have to be sent certified mail seven calendar days before the hearing to all the property owners adjacent to the property of the applicant.

William Zaccari: Just to be honest with you, I didn't want to come to this. I didn't want to continue business. I didn't want to do any of that. The public reached out to me, because they know what's coming. The place is for sale and that's what their bringing. No one's bringing a hunting camp to open a hunting camp. If it's going to destroy the township, I'm here because I have family in this area, and I am willing to do whatever it takes rather than hear people say this is what you are doing to the town. And I am not doing nothing, and I didn't do anything. We shouldn't have lost the permit. Let's put it that way. The permit should never have been taken away. So, you took the permit based on nothing. Zero.

Berry Hafkin: We did not take your permit away. The court took your permit away. I have to follow procedure that we have in place.

William Zaccari: No problem, as long as someone explains to the towns people which they already know. I will go to all the public things and let them know exactly what's going on. And that's why you have the Hasidics now coming to buy my camp. That's all. That's the truth of the matter. What are you gonna do? They put banners up, and I went and ripped them off last week, because someone said to me that's crazy, what are you crazy. I said the people buying it. What do you want me to tell you? I ripped it down.

Scott Greenberger: Excuse me sir, all home owners and property owners and I think losing this is a big asset to the area. I never met him when he brought the Catskill Mountains Resort to the area. When I did meet him, I told him that he didn't hurt my property value by building what he did. The facility benefits all of us, and losing it, well we all think about it down the line and think we should have done something to help him. I have been here since 1985 and this is the first time since 1985 that something nice has come along. I have seen all other places go down the tubes, the Riverside and the Wendella. I've been here since the 1950's, I may not look it but I am in my eighty's. I've been around the block a few times.

Berry Hafkin: There is a procedure that we have to follow, period. If he wants to go through with the procedure and it gets passed, he can re-open. I didn't make the law, but I have to follow it. The procedure would be to schedule a public hearing and the earliest we can hold one is July 24, 2021, which is unfortunate. They made the application and I did them a favor and got them into this meeting tonight trying to speed things up. I took an application that was semi filled out, but wanted them on the agenda. We still have to follow procedures that everyone else in this town has to follow. There are no exceptions.

William Zaccari: There's been exceptions. There's been outcries for other businesses and I was at those meetings where they made the exceptions, and I said you know what, you showed up a hundred strong in the parking lot, so let's bend the rules a little bit. I am here to try and help what's best for the community.

Scott Greenberger: Will the permit be applied to what was before?

Berry Hafkin: The prior permit was for a family resort, bar, lounge, and restaurant. He would have to apply for the same thing.

Scott Greenberger: But he already applied one time, why was it declined?

Berry Hafkin: It wasn't declined, that one was voided in the court.

Scott Greenberger: Why was it voided?

Berry Hafkin: I was not part of that procedure.

Scott Greenberger: I think we have a right to know why it was voided.

Berry Hafkin: Ask him.

Scott Greenberger: But I am asking you and the town attorney.

Michael Davidoff: They no longer had Board of Health approval.

Scott Greenberger: What did the town do to help him stay in business?

Berry Hafkin: What we are doing right now. To have him apply for a new Special Use Permit.

Scott Greenberger: If the Board of Health declined, what was the reason?

Berry Hafkin: You would have to ask the Board of Health.

Michael Davidoff: I would suggest that you schedule a public hearing to move the process along.

Berry Hafkin: Now is not the place to do this. We will set a public hearing for next month. We will have to get a list of all the property owners to be notified of the hearing.

William Zaccari: They can't sell their homes with a banner like that, which is a shame. They don't like me, and I don't like them (referring to (2) neighbors that left the meeting). I still want to do the right thing, and like I said there was rules bent plenty of times, especially in a small town like this. As long as the public realizes that it wasn't me. People said take the banner down, what is it going to look like "Monticello" now. It's not me, It's all on the town. People dislike me for whatever reason, it doesn't matter. I don't want them to get hurt.

Berry Hafkin: Do you want to schedule a public hearing?

William Zaccari: Yes.

Berry Hafkin: Will you fill out the application?

William Zaccari: No problem.

Scott Greenberger: Can it be expedited?

Berry Hafkin: I don't think so.

Scott Greenberger: Could you try? Can you schedule a meeting two weeks from now?

Berry Hafkin: We are all volunteers here.

Scott Greenberger: But it wouldn't be setting a precedent.

Berry Hafkin: It is up to the board, and at best it would be three weeks with the mailings and the public notices, so we will leave the public hearing date for the fourth Wednesday of July 28, 2021 at 7:00PM. Not July 24, 2021 as previously stated.

Motion to hold a public hearing July 28, 2021 at 7:00PM for Application #2-2021 Catskill Mountains Resort Special Use Permit:

Motion: Jeffrey Spitz                      Second: Norm Sutherland

All in favor

Berry Hafkin: We will hold a public hearing next month provided the application is completed more thoroughly and the mailing fees are on time. If there are any changes you will be notified. We will do the best we can.

William Zaccari: Will we receive an answer that day?

Berry Hafkin: It's conceivable. It's possible.

Secretary informs Mr. Zaccari that when the letters are prepared and ready, she will notify him on the amount.

William Zaccari: So, what is the process at the next meeting?

Berry Hafkin: We hear the comments from the public, and if there are no conflicts, and they apply for exactly what they had before, I don't foresee a problem. There will be more board members here and if the public has no legal reason to stop it, they would have to have some kind of proof, other than that you can technically be approved. We don't need a county form 239M, because the property is not on a county road.

William Zaccari: Is it a majority vote? How does it work?

Berry Hafkin: Yes, and the majority is five members, and we could vote at the next meeting.

Michael Davidoff: After the public hearing is closed, then there will be a regular meeting where any other issues will be brought up.

William Zaccari: Is there a member that has recused himself?

Michael Davidoff: Yes, but the board has an alternate, Steve Bott.

Berry Hafkin: As long as we have a majority here, there is no problem.

Mr. Greenberger again asks if the meeting can be sooner and the board responds that not everyone is available to make a special meeting sooner.

Motion to close the meeting:

Motion: Jeffrey Spitz                      Second: Norm Sutherland

All in favor

