

Town of Highland Planning Board
Meeting Minutes February 28, 2024

Chairman opens the meeting at 6PM

Pledge to the Flag

Chairman states the minutes are being recorded

Secretary takes Attendance.

Attendance:	Jeff Spitz (Chairman)	Present
	JT Vogt	Present
	Steve Bott	Present
	Tim McKenna	Present
	Frank Monteleone	Present
Board Secretary:	Monica McGill	Present
Town Attorney:	Steve Mogel	Present
Code Enforcement:		

Motion to approve the January 24, 2024 meeting minutes:

Motion: Tim McKenna Second: Steve Bott All in favor

Changes to the planning board :

Norm Sutherland was removed as the Chairman and Jeff Spitz will fill the position.

JT Vogt was removed as the co-chair and Frank Monteleone was given the position.

Bernard Kozokowski (alternate) resigned February 23, 2024

The board thanks Norm Sutherland for a great job as the chairman, and the commitment and heart that he brought to the position.

JT Vogt reads his statement in regards to the Co-chair position. (see attached)

Attorney Steve Mogel states that complaints/concerns for appointed members, not elected members should not be read at the meeting , but brought up at Town Board meetings during public comment. It is grossly improper to bring political agendas or complaints to the meeting. He also states that if any statement references the law that it be brought to his attention first.

Application #45-2023 Andrew Kinsey Short Term Rental Public Hearing:

Motion to open the public hearing on application #45-2023:

Motion: JT Vogt Second: Steve Bott All in favor

Secretary reads the public notice posted in the local newspapers

There were (11) letters mailed to the surrounding neighbors and (9) returned.

Correspondence: (2) letters read into record against the application from :

Anthony J. Alduino, PE

Dr. Jeffrey Bradford

Public Comment:

Gregory Barry is against this application and states that it will bring in higher crime rates.

Jean Moore who lives next door to the applicant states that the Short-Term Rental goes against the HOA regulations and restrictions.

Gerard Finn asks a general question in concern to short term rental applications that are in a private community. He asks why go through the process of listening to public comment when the application will be approved?

Board Comment: The board does not need to enforce deed restriction given to homeowners in private communities. If the applicant has followed all application requirements as stated in the zoning laws the board cannot deny the application.

Motion to close the public hearing on application #45-2023:

Motion: Tim McKenna Second: JT Vogt All in favor

At this time Mr. Kinsey will be placed on the March 27, 2024 agenda pending he submit to the board clearance from his HOA to proceed. He will have 62 days to present this to the board. If he cannot have by the March agenda, he will then be placed on the April 17th, 2024 agenda

Applicants fire inspection was completed and passed.

Application #1-2024 Kimberly Martin & Michael Popoloski Short Term Rental

Ms. Martin and Mr. Popoloski bought the home in 2020. Their primary residence is in NYC. They bought a larger home in Eldred and plan to move back.

The rental home is 2 bedrooms with 2 parking spaces. They rent the property occasionally on the weekends to see if it will be worth the time and effort.

They will obtain rental insurance pending the board's decision.

No fire inspection has been done to date.

Motion to schedule a public hearing on application #1-2024 to be held April 17, 2024 at 6PM:

Motion: JT Vogt Second: Tim McKenna All in favor

Application #2-2024 Jeremy Nachbar & Courtney Deri Short Term Rental

Mr. Nachbar & Ms. Deri bought the home in 2021. Work limits them to use the home.

The home is near a pond and they have posted signs and notified their renters that there is no lifeguard on duty.

The pictures of the home show that the railings on the deck are not completed. New pictures will be submitted at the public hearing of the railings completed.

No fire inspection has been done.

Motion to schedule a public hearing on application #2-2024 to be held April 17, 2024 at 6PM:

Motion: Tim McKenna Second: JT Vogt All in favor

As per Chairman Jeff Spitz there will be a Public Forum to be held at the Eldred High School April 16th, 2024. (Subject to change comprehensive plan)

Motion to close the meeting:

Motion: Tim McKenna Second: JT Vogt

Meeting adjourned

Planning Board comments for meeting held on Wednesday 2/28/24

I would like to take a minute to thank Norm for his years of volunteering and also address the changes made to this board.

On Friday February 23, the Town Board held a special meeting to fill vacancies within code office, planning board and upon proposed contract with FUSCO.

At this meeting the board voted to remove Norm from the planning board and myself as Vice Chairman of the planning board in a single motion made by Laura Burrell and seconded by Tom Migs. The reason for this was lack of communication from Norm.

I feel that this was unfair to myself as the vice chairman. If a breakdown in communication was occurring the next step should have been to reach out to the next in chain of command and determine what the reasoning for the breakdown was. The newly elected town board promised transparency within the community, and I quote "create meaningful jobs within our town for residents while avoiding clear conflicts of interest," neither of which took place, as I was blindsided by this action and never notified of any open vacancies within the planning board.

I would also like to note that the reason Norm didn't communicate was he felt it was unethical to communicate with the new Supervisor as he has a pending application with this planning board and has not yet obtained proper approvals from this board for his establishment in Barryville.

I am passionate about fulfilling my duty in the utmost, respectable, and honest way as a volunteer member of this planning board. I strongly support my community and I want to move forward from this, in hopes that all members will and want to be open and honest.

I took the time to research what appropriate communication between planning board and town board members should be;

The Town Board writes the laws with respect to zoning, subdivision regulations, site plan review, etc. and the Planning Board is then given the power to process the applications under those laws and regulations. Thus, the Planning Board's role is to approve/modify/deny subdivision plans, special uses, and site plans according to the regulations adopted by the Town Board. The Town

Board typically doesn't get involved once the regulations are adopted unless it has provided a specific role for itself in those regulations, as often happens with planned unit developments.

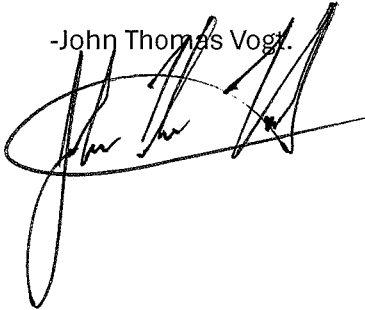
It's very hard to keep politics out of controversial zoning matters, but that is the task of any Planning Board and especially ZBAs. It's the planning board's responsibility to methodically and rigorously process all applications according to the rules adopted by the Town Board, found in the Town Law and addressed in case law, letting the chips fall where they may.

I also found that it is helpful if the Planning Board has its own legal counsel in that regard, independent of the Town Board.

I volunteered for this position as a board member when I realized I really want to do my part, I want to volunteer because I am passionate about my community. I felt that with my experience as a surveyor working in an engineering firm that routinely prepares plans for projects, I felt I could bring that support and knowledge to the planning board.

I hope to move forward from this and keep the town's best interest at heart.

-John Thomas Vogt.

A handwritten signature in black ink, appearing to read 'John Thomas Vogt', written over a horizontal line. The signature is stylized and cursive.