

Town of Highland Planning Board
Meeting Minutes December 20, 2023

Chairman opens the meeting at 6PM
Pledge to the Flag
Chairman states the minutes are being recorded
Secretary takes Attendance.

Attendance:	Norm Sutherland (Chairman)	Present
	JT Vogt (Co-Chair)	Present
	Jeffrey Spitz	Present
	Steve Bott	Present
	Tim McKenna	Absent
	Laura Burrell (alternate)	Present (sat in for Tim McKenna)
Board Secretary:	Monica McGill	Present
Town Attorney:	Michael Davidoff	Absent
Code Enforcement:	BJ Gettel	Absent

Motion to approve the November 29, 2023 meeting minutes:
Motion: Jeff Spitz Second: Steve Bott All in favor

Correspondence: Letter received from James Stamant in regards to Micah Burgess Short Term Rental Application requesting that his letter be entered into record.
The board thanks Laura Burrell for her service and wishes her great success in her new position as council woman that begins in January 2024.
The town attorney Michael Davidoff has also retired, and the board will not move forward on any applications that have a challenging narrative until a new attorney has been appointed.

Application #40-2023 Lauren Espeseth & Stevan Phan Short Term Rental Public Hearing:

Motion to open the public hearing on application #40-2023:
Motion: JT Vogt Second: Laura Burrell All in favor
Secretary reads the public notice posted in the local newspapers.
There were (9) letters mailed to the surrounding neighbors and (7) returned.
Correspondence: none
Public Comment: none
Board Comment: none
Motion to close the public hearing on application #40-2023:
Motion: Laura Burrell Second: Steve Bott All in favor
Motion to make the Town of Highland Lead Agency for SEQR (Part 2):
Motion: JT Vogt Second: Laura Burrell All in favor
SEQR (Part 2) read by Jeff Spitz and completed by the board.
Motion for SEQR (Part 2) will not result in any significant adverse environmental impacts:

Motion: Steve Bott Second: Jeff Spitz All in favor
Motion to approve Application #40-2023 with the condition of quiet hours 10PM to 7AM:
Motion: Laura Burrell Second: Steve Bott All in favor
The applicants had their fire inspection on 11/29/23 and passed.

Application #41-2023 Martine Body Short Term Rental Public Hearing:

Motion to open the public hearing on application #41-2023:
Motion: Laura Burrell Second: JT Vogt All in favor
Secretary reads the public notice posted in the local newspapers.
There were (8) letters mailed to the surrounding neighbors and (7) returned.
Correspondence: email received from Linda Smith read into record.
Public Comment: none
Board Comment: none
Motion to close the public hearing on application #41-2023:
Motion: Laura Burrell Second: Jeff Spitz All in favor
Motion to make the Town of Highland Lead Agency for SEQR (Part 2):
Motion: Steve Bott Second: JT Vogt All in favor
SEQR (Part 2) read by J and completed by the board.
Motion for SEQR (Part 2) will not result in any significant adverse environmental impacts:
Motion: JT Vogt Second: Steve Bott All in favor
Motion to approve Application #41-2023 with the condition of quiet hours 10PM to 7AM:
Motion: Steve Bott Second: Laura Burrell All in favor
The applicant had her fire inspection on 11/6/23 and passed.

Application #42-2023 Benjamin Becton Short Term Rental Public Hearing:

Motion to open the public hearing on application #42-2023:
Motion: Laura Burrell Second: JT Vogt All in favor
Secretary reads the public notice posted in the local newspapers.
There were (33) letters mailed to the surrounding neighbors and (26) returned.
Correspondence: email received from David Robinson read into record.
Mr. Michael Packer was in attendance for the applicant.
Public Comment: Steve Lemme states that there has been issues with the tenants in regards to noise past quiet hours .
Board Comment: The board states that if the noise continues after quiet hours, they should call the sheriff and get a report to present to code.
Motion to close the public hearing on application #42-2023:
Motion: Laura Burrell Second: Steve Bott All in favor
Motion to make the Town of Highland Lead Agency for SEQR (Part 2):
Motion: JT Vogt Second: Steve Bott All in favor
SEQR (Part 2) read by Jeff Spitz and completed by the board.
Motion for SEQR (Part 2) will not result in any significant adverse environmental impacts:
Motion: Steve Bott Second: Jeff Spitz All in favor

The applicant had a fire inspection on 12/20/23 and failed.

Motion to approve Application #42-2023 with the condition of quiet hours 10PM to 7AM and no resolution to be issued until fire inspection is completed:

Motion: Jeff Spitz Second: JT Vogt All in favor

Application #39-2023 DKS Properties (Sobel) Short Term Rental

Susie and Sophie Sobel own a three-bedroom home located at 360 State Route 55, and are applying for a short-term residential permit.

Motion to schedule a public hearing on application #39-2023 to be held on January 24, 2024 @ 6PM:

Motion: JT Vogt Second: Laura Burrell All in favor

Fire inspection has not been completed and will need to be done prior to the public hearing.

Application #44-2023 Neha Sabnis Short Term Rental

Ms. Sabnis owns a two-bedroom home located at 4 Bella Drive, and is applying for a short-term residential permit.

Mr. Sabnis appeared for the meeting.

Motion to schedule a public hearing on application #44-2023 to be held on January 24, 2024 @ 6PM:

Motion: JT Vogt Second: Steve Bott All in favor

Fire inspection was completed on 12/4/23 and passed.

Application #45-2023 Andrew Kinsey Short Term Rental

Mr. Kinsey owns a three-bedroom home located at 89 Split Rock Drive, and is applying for a short-term residential permit. Mr. Kinsey was unable to attend and would like to be re-scheduled for January 24, 2023.

Application #46-2023 Vinh Chau & Jude Bornstein Short Term Rental

Mr. Chau & Ms. Bornstein own a four-bedroom home located at 55 Woods Road, and is applying for a short-term residential permit.

Motion to schedule a public hearing on application #46-2023 to be held on January 24, 2024 @ 6PM:

Motion: Jeff Spitz Second: Laura Burrell All in favor

The applicants are scheduled to have a fire inspection on 12/27/23.

Application #47-2023 Terrell Canton Short Term Rental

Mr. Canton owns a four-bedroom home located at 37 Summer Lake Drive also known as Canton Lake Resort LLC, and is applying for a short-term residential permit.

Motion to schedule a public hearing on application #47-2023 to be held on January 24, 2024 @ 6PM:

Motion: Steve Bott Second: Laura Burrell All in favor

The applicant had a fire inspection on 12/20/23 and passed.

Application #48-2023 Ger Flood Short Term Rental

Mr. Flood owns a three-bedroom home located at 138 Mail Road and is applying for a short-term residential permit.

Motion to schedule a public hearing on application #48-2023 to be held on January 24, 2024 @ 6PM:

Motion: JT Vogt Second: Jeff Spitz All in favor

Fire inspection has not been completed and will need to be done prior to the public hearing.

Application #43-2023 Robert & Beatrice Nelson – Lot Line Improvement

Mr. & Mrs. Nelson own (2) parcels Tax ID #'s 29.-1-9.5 and 19.-1-9.3 located at 10 Tow Path Road in Barryville that they would like to combine to create one single parcel.

Motion to approve Application #43-2023:

Motion: Steve Bott Second: JT Vogt All in favor

The applicant will need to obtain a milar map from the county and have it signed by the chairman. They will need to supply three copies to the secretary.

Application # 49-2023 Ben Goldman – Lot Line Improvement

Mr. Dave Furman attending on behalf of the applicant. Mr. Furman is a representative of Albert Group Pools. Mr. Goldman owns (2) parcels Tax ID #'s 15.-1-113.6 and 15.-1-113.7 located at 39 Martin Drive Yulan that they would like to combine to create one single parcel, so that they can place a residential inground pool on the property.

Motion to approve Application #49-2023:

Motion: Laura Burrell Second: JT Vogt All in favor

The applicant will need to obtain a milar map from the county and have it signed by the chairman. They will need to supply three copies to the secretary.

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

Attending on behalf of Camp Fimfo:

Daniel Rubin & Alex Betkney Attorneys & Caren LoBrutto Engineer

The applicant submitted a final draft scoping document, and Jeff Spitz was concerned that the language of the document and Keystones report were unclear.

The resolution along with the final scoping report and report from Keystone and the UDC will be posted online by the secretary.

Camp Fimfo will incorporate the Keystone and UDC comments into their report.

Motion to approve the resolution with Camp Fimfo incorporating the Keystone and UDC reports into the scoping document:

Motion: Steve Bott Second: JT Vogt All in favor

The applicant will notify the environmental new bulletin, and will have 60 days to draft the next document in regards to the environmental impact statement.

The applicants will be added to the January 24, 2023 agenda.

Application #7-2023 211 Mail Road – Site Plan Review/Special Use Permit

John Fuller Engineer for the applicant appeared on their behalf.

Al Fusco of Fusco Engineering appeared on behalf of the town.

Correspondence:

Report from Fusco Engineering (see attached)

Traffic study from the applicant along with new plans that show minor changes.

As per the board the traffic study was not acceptable. The study was done for Schumacher Pond Road and not Mail Road.

There has been no filing by the applicant in regards to lead agency for SEQR.

Jeff Spitz and the board are confused on the intended purpose for the property due to the plans and narrative changing each time the applicant submits paperwork.

The use of the property is currently Hotel/Motel/Restaurant.

The board requests that the applicant be present at the next meeting to answer the boards questions. A full and legal traffic study will need to be done for the correct road, and the intended use will need to be more defined.

There will be no public hearing scheduled and the applicant will need to be present at the January 24, 2023 meeting to answer questions the board has.

Application #31-2023 Michael Tkachuk Short Term Rental Public Hearing:

Motion to open the public hearing on application #31-2023:

Motion: Jeff Spitz Second: JT Vogt All in favor

Secretary reads the public notice posted in the local newspapers.

There were (16) letters mailed to the surrounding neighbors and (13) returned.

Correspondence: none

Public Comment: none

Board Comment: none

Motion to close the public hearing on application #31-2023:

Motion: JT Vogt Second: Steve Bott All in favor

Motion to make the Town of Highland Lead Agency for SEQR (Part 2):

Motion: Steve Bott Second: Laura Burrell All in favor

SEQR (Part 2) read by Jeff Spitz and completed by the board.

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

Motion: Jeff Spitz Second: JT Vogt All in favor

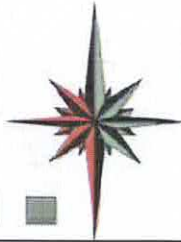
Motion to approve Application #31-2023 with the condition of quiet hours 10PM to 7AM:

Motion: Laura Burrell Second: Steve Bott All in favor

The applicant completed his fire inspection on 12/19/23.

Motion to close the meeting:

Motion: Jeff Spitz Second: JT Vogt Meeting adjourned



Consulting Engineers

Alfred A. Fusco, Jr.
P.E. Principal

Alfred A. Fusco, III
General Manager

December 12, 2023

Norman Sutherland, Planning Board Chairman
Town of Highland
4 Proctor Road
Eldred, New York 12732

RE: 211 Mail Road
Preliminary Review
Town of Highland
SBL 15-1-70.1 and 70.2
Our file #HL-004

Dear Chairman Sutherland,

We have reviewed the material submitted to us by John Fuller, P.E., and are providing this review as the Town of Highland Planning Board Consultant.

Project: Applicant – John D. Fuller, P.E. for Yeshiva Ohr Shraga Veretzky
Address: 211 Mail Road
SBL: 15-1-70.1 and 70.32
Zone: Agricultural – Residential – R2
Request: Special Use Permit – Change of Use
Material reviewed: Site Plan prepared by John Fuller dated 11/17/23, cover letter prepared by John Fuller dated 12/8/23, Traffic Assessment Report prepared by Stephan Maffia dated 11/29/23
Project Info: Hotel site with two (2) 6,800 square foot dormitories, one 1,200 square foot Mikvah, a 9,500 square foot multi-purpose building and additional use as a place of worship. It is our understanding that the existing motel will be used for religious and educational purposes for the congregation and will not be open to the public.

Comments - SEAF:

1. Applicant has prepared a list of involved and interested parties. Town will mail to interested parties.

Comments – Zoning for Bond Information:

1. Under Chapter 190, Schedule 2, District Schedule of Use Regulations R2 District:
 - a. Hotel/Motel is listed as Special Use Permit and is required.
 - b. Multi-Purpose building is not specifically listed in R2 but is part of Hotel/Motel and part of Special Use Permit (SUP).
 - c. Place of Worship is listed in R2 and requires a Special Use Permit from the Planning Board. This would also include the Mikvah, Religious Retreat, and religious education.
2. The above shows that this project can be considered by the Planning Board as a combination of Special Use Permits; mainly due to the Place of Worship designation and the New York State and Federal RLUIPA 2000 legislature. The Planning Board must determine carefully if the Place of Worship and

religious education are the basis of the application. A narrative has been created by the project attorney clarifying how existing and proposed buildings will be used.

Comments – Site Plan:

1. Soils testing to be witnessed by NYSDOH.
2. Our office witnessed percolation and deep soil testing on November 16, 2023 the testing indicated that the soils would support septic disposal systems.
3. Indicate the toe of the slope for the shallow trench disposal systems.
4. The plan indicates that the mikvah would only discharge 600 gallons per day, we would ask that the formula include amount of people using the mikvah daily and what is the size of the mikvah pool and how often the pool is flushed.
5. We question the need for a pump chamber on the Multi Purpose Building septic system.
6. Provide at a minimum gravel parking for vehicles at the mikvah and a paved area for the handicap parking.
7. Indicate the sewer vent on the mikvah septic disposal system.
8. Remove the sewer manhole on sheet 14.
9. The plans shall indicate handicap access to all existing and proposed buildings.
10. The lighting plan shall include all existing and proposed buildings and parking areas.
11. NYSDOH approval is required for water and sanitary systems.
12. NYSDEC SPEDES permit is required for sanitary systems.
13. Plans have been submitted by the applicants engineer to the local fire department, awaiting comments.
14. The Highway Superintendent should review the proposed driveway locations prior to approval; the driveways will need to be staked.
15. Provide sight distances on all existing driveways/roads that have access to Mail Road, due to the increase in use we feel this should be reviewed.
16. Indicate the location of roof and footing drains on the proposed buildings.
17. Provide a Stormwater Pollution Prevention Plan that demonstrates adherence to code 164-7, this should be a separate document from the site plan that is to be approved by the Planning Board.
18. Provide drainage calculations on the sizing of the stormwater infrastructure.
19. Based on NYS Stormwater Design Manual, a single rain garden should only be designed to receive runoff with a total contributing area equal to or less than 1,000 square feet, treatment of larger drainage areas should incorporate design elements of bioretention.

20. Finalization of the SWPPP must also include SWPPP Acceptance Form for Town signature and submission of a completed eNOI. Prior to any land disturbance acknowledgement of SPDES Coverage by the NYSDEC shall be demonstrated to the Town.
21. Escrow account required for inspections of public improvements.
22. Board comments.

Action:
Pleasure of the Board.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.
Fusco Engineering &
Land Surveying, D.P.C.

Cc: Town Clerk
Building Department
Michael Davidoff
John Fuller, P.E.
Alfred A. Fusco, Jr., P.E.
BJ Gettel