

Town of Highland
Planning Board Minutes
July 24, 2019

Chairman Berry Hafkin calls the meeting to order.

Pledge to the Flag

Chairman states the minutes are being recorded.

Attendance:	Berry Hafkin-Chairman Norm Sutherland Jeffrey Spitz Julie Sherwood (absent) Doreen Sweeney Chris Tambini (alternate)
Board Secretary:	Monica McGill
Town Attorney:	Michael Davidoff

Berry Hafkin states that Chris Tambini will sit in for Julie Sherwood.

Motion to approve the June 5, 2019 minutes:

Motion: Norm Sutherland	Second: Doreen Sweeney
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All in favor.

New Business:

Fred Bosch-Presentation to the Board in reference to Lot Improvement/subdivision of Tax ID#7-1-85. Mr. Bosch wants to purchase land currently owned by Alan Rosenblatt and Kurtis Kreider. Mr. Bosch goes over the maps with the board.

Portion in red is the property that Mr. Bosch wants to purchase.

Portion in green is owned by Alan Rosenblatt and Kurtis Kreider.

A survey originally done in 1985 by John Kessler is presented to the board. The original survey does not have the portion marked in green.

Alan Rosenblatt and Kurtis Kreider would retain the portions on the map that are green and blue and combine them into one lot.

Jeffrey Spitz: Are you planning to do anything with the property?

Fred Bosch: Within the next year it will be entered into the Forest Tax Law Plan, and will be used for hunting and forestry.

Motion to schedule a Public Hearing on Application #4-2019 Fred Bosch Lot Improvement/subdivision:

Motion: Jeffrey Spitz	Second: Norm Sutherland
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All in Favor

Chairman Berry Hafkin will contact the county in regards to the survey. He will inquire on whether they will accept the old survey or if a new survey will be needed.

Michael Davidoff: Mr. Bosch will need a MILAR for the subdivision.

Fred Bosch: When will I need this by?

Berry Hafkin: For the August 28, 2019 Public Hearing.

Motion to make the Town of Highland Planning Board lead agency in SECRA for application #4-2019:

Motion: Jeff Spitz

Second: Norm Sutherland

All in Favor

SERCA read by Michael Davidoff and completed by the board.

Motion for a negative declaration on SECRA for application #4-2019

Motion: Doreen Sweeney

Second: Norm Sutherland

All in Favor

Old Business:

Application #3-2019 Floating Farmhouse/Tom Givone Special Use Permit

Present on behalf of the applicant:

Barbara Garigliano-Attorney-Monticello NY

Richard Baum-Attorney-Monticello NY and Callicoon NY

Tom Ward-Managing Engineer

Michael Davidoff states that all letters received regarding this application can be obtained from the Town of Highland Town Clerk Doreen Hanson. Those interested can call or email her to obtain a foil copy.

Barbara Garigliano: Can I simply call Doreen and ask for a complete copy of the file?

Michael Davidoff: You should send her an email.

Barbara Garigliano: In the minutes there was an error on page three. Secretary typed "meticulous" and will need to correct to read "contiguous".

In our application we included short term vacation rentals. To let the board, have a complete picture of what is going on at Mr. Givone's property, however this is a single-family dwelling and retains its character as such. Mr. Givone can rent out his house. He can rent it for an hour, a day, or a year. It remains a single-family dwelling. A single-family dwelling is permitted in the R2 zone. That is not part of the special use permit. That was given in the application so that you understand when you looked at the website and you saw all the blocked-out dates that they were not having two or three weddings every weekend, those are short term rentals. Those are permitted. If I need to, I think I must because there has been confusion. I have seen the letters and I have seen some of the reports stating that this is not permitted. That is wrong, it is absolutely permitted as a single-family residence. That needs to be understood. I will therefore amend the application to remove that. The Special Use Permit is only for the wedding venues and only for the photo shoots.

Michael Davidoff: Barbara if you could put that in writing so it can be entered into record to be analyzed.

Barbara Garigliano: Okay. As you know the town does not have a short-term rental law. So, the owner of a single-family dwelling can rent their house as they please. I will get you an amended application. We have Tom Ward here this evening. He is the managing engineer and we have requested that he go over the report from Ken Ellsworth of Keystone Associates hired by the Town of Highland Planning Board to oversee this application. I would like Tom to go through the report point by point to explain what has been done and what is being worked on, and hopefully we can make some progress.

Tom Ward: In going over the report, my information is based on the survey map and my measurements. I am not a licensed surveyor.

In reference to the right of way between Mr. Givone's property and his neighbor Mr. Stolte. My suggestion is to put up some sort of barrier to identify the right of way.

Michael Davidoff: This piece of property will be used for parking?

Barbara Garigliano: Not necessarily.

Tom Ward: The parking is in the front area of the house and immediately off to the grass area near the house. There was an original driveway connected as a horse shoe, but is no longer in use.

Barbara Garigliano: It was partly subdivided out. The parcel was the original farm house. Mr. Givone bought 3.45 acres which is the subject property that we are dealing with. A few months ago, he bought an additional 5.85 acres. That is what separates the two parcels from being continuous. The flag pole and the flag lot. That was part of the subdivision, so the driveway that you see separating it is owned in fee with another parcel in the back which was carved out as part of the subdivision.

Michael Davidoff: So, your client doesn't have ownership of that parcel?

Barbara Garigliano: We don't have contiguous ownership.

Michael Davidoff: Are you using the other parcel for parking?

Barbara Garigliano: Not Yet.

Michael Davidoff: So, the plans do not show parking on that parcel?

Barbara Garigliano: No.

Tom Ward: The original plan submitted showed the horseshoe driveway. The access driveway to the house measures nine and half to ten feet wide. The other driveway is fourteen feet wide. The driveway should be widened to accommodate two-way traffic. I widened the driveway to eighteen feet. In regards to the signs. Signs will be posted near the property line at the beginning of the driveway. Information on the signs would change according to what venue is being held. They would be a standard size.

Ken Ellsworth: The signs would have to follow the town ordinance.

Tom Ward: Yes. Barbara and I discussed parking for this type of facility. I based my calculations on the first floor of the house, the barn, and the tent size plus employees. We are going to have to address additional parking. Based on the total square footage there should be twenty parking spaces plus ten employee spaces.

Jeffrey Spitz: What is the maximum number of people at the events?

Tom Givone: One hundred people max.

Ken Ellsworth: You will have to compensate for the parking. It will be to your advantage to have plenty of parking for the guests so they are not inconvenienced. And I suspect that they should have more parking than the ordinance allows. Grass parking is okay as long as everything fits.

Tom Ward: I had twenty-six spaces in the lawn area. Using the town regulations of two hundred square foot spaces to be nine feet, I will meet the regulations. I calculated the spaces at ten feet and came up

with a total of eighteen spaces along the driveway, and six additional spaces available on the wider driveway and eight spaces in front of the creek. I have discussed with Mr. Givone where we can put additional parking, based on his events and he says we can put additional parking by the event area and deal with the ascetics for the guests.

Michael Davidoff: How many spaces are you looking to add?

Tom Ward: I would like to have a total of fifty spaces.

Norm Sutherland: Are you putting parking in the leech field?

Tom Ward: No, we will block the area off with boulders to protect the leech field.

Ken Ellsworth: Is any type of valet parking possible? Maybe park the cars off the property.

Tom Ward: We have discussed using a valet and parking the cars on the adjacent parcel. That would provide additional parking.

Jeff Spitz: Where would the overflow cars go?

Tom Givone: I would have the guests shuttled from where they are staying. For example, if they are staying at the Catskill Mountain Resort, I would have them shuttled to the event.

Tom Ward: In regards to the route from the accessible parking lot to the event space, tent, restrooms. This route can go directly in front of the existing dwelling, and that would entail paving which would then disturb the nature of the property. The other option is to put the accessible spaces at the event station and extend the driveway. This is in the works.

In regards to the dumpster. It will be moved to the existing driveway just for the events. At night time there will be adequate lighting and lit landscaped pathways. I will be meeting with Mr. Givone to discuss more lighting options. The coverage calculation based on the two thousand square foot house, the one thousand square foot barn, and the eighteen hundred square foot tent, I come to three hundred twenty four percent.

Ken Ellsworth: When you figure out the lighting, make sure that it will not spill over into the adjacent properties.

Barbara Garigliano: The calculations on Mr. Ellsworth report (#10) and (#11) are incorrect. There is a maximum of one hundred people plus employees. The wedding venue is one hundred people, the photo shoot is forty people, and the vacation rentals are eight people. You added them all up, but they are not all happening at the same time. The maximum would be one hundred people plus employees.

Jeff Spitz: How many employees?

Barbara Garigliano: We don't know. It depends on the size of the wedding.

Jeff Spitz: How many employees for the one hundred maximum?

Tom Givone: Ten employees.

Tom Ward: Regarding the water. The house capacity is four hundred per day and the barn is one hundred eighty gallons per day. We are not at the one thousand gallons per day capacity. For an event we would calculate eight gallons per day per person. I don't think this would qualify for SECRA. I would remove that agency from the entire process.

Richard Baum: My name is Richard Baum Attorney from Baum Law PC from Monticello NY and Callicoon NY. On behalf of Tom Givone we spoke with the Department of Health (DOH) to find what was necessary to run this type of operation. We found that the SERC threshold and mass gathering threshold do not apply. These are temporary gatherings. The only thing that could trigger a problem is if the housing is more than ten people for sixty hours per year. For example, a five bedroom with two people per room, maximum occupancy of ten would not come under the threshold of the temporary residence permit. Temporary residence would have obligations for water as well as septic. Eleven or

more in the household for more than sixty hours breaks the threshold. That is why most Bed and Breakfasts in Sullivan County are ten people, so they don't have to break the threshold and meet the higher standards of the health department. As far as the weddings, they are not concerned as long as there is adequate sanitation. What they do regulate is the catering. Outside catering is not required to have a license on the premises, but everyone who serves the premises has to be a licensed caterer. The Department of Health is then satisfied that the food was prepared properly and that the kitchen has been inspected.

Ken Ellsworth: So, if I supplied water to the caterer, should it be bottled?

Richard Baum: It could be bottled water. The Department of Health said they would not regulate what was there. Our approach was to have the caterer bring the water to the event. There is no actual regulation, the caterer is the one responsible to provide the water needed.

Ken Ellsworth: We contacted the Department of Health as well and they suggested that we send them the application and plans which sounds as if you already did that.

Richard Baum: We did a preliminary plan and sent that to them.

Michael Davidoff: Who did you contact, the local Department of Health?

Richard Baum: Yes, the local branch and spoke with Glenn Illing and Andrew Caulter.

Ken Ellsworth: We spoke with Ryan King, and he a bunch of questions and did not know what this would entail, and suggested that we contact the local department as well.

Richard Baum: The local department would be the ones responsible for the inspection.

Michael Davidoff: You will get what ever is needed from the Department of Health?

Richard Baum: Yes.

Michael Davidoff: What letter did you say was sent to the Department of Health?

Richard Baum: There was an email exchange between myself and Andrew Caulter that basically went over the thresholds. For purposed of Mr. Davidoff and I discussing the matter is fine, but for purposes of tonight's meeting we will need to document it better.

Tom Ward: In regards to the northern driveway, a similar gravel has been used and is eight inches thick after the topsoil was removed and compacted down. Moving to (#13) on the report regarding the EAF and wetlands. I walked the property and the pond is the only wetland area that I find. The aerial photo shows the pond and nearby homes and their placement.

Moving to the sight distance at the entrance of the driveway. I will need to do some measurements.

Ken Ellsworth: It shouldn't be much of an issue. It is mainly to see how many cars will be going up and down the road and at what hours. We will need an update from the EAF showing their response.

Berry Hafkin: One of the consultants that the Planning Board used was the Laberge Group. They helped the town write the new zoning code. They gave back an opinion on this project and feel it should not be permitted. They feel the photo studio is okay, but the wedding venues are not permitted.

Barbara Garigliano: They also said that the vacation rentals are not permitted, but they are. As far as the wedding space their quote on page two, your district regulations are incomplete. They fail to mention the actual section in the towns zoning that goes on to say that unless the language is generic the board is to interpret whether this falls within the meaning. We discussed before what a specialty was and it goes on to say that it is among "other things". "Other things" opens the door and does not have to be specifically listed. It is not a specific list but a list of examples, and therefore is a generic language and allows the board to interpret according to their zoning laws.

Michael Davidoff: Barbara let me suggest that when you file the amended application you submit your responses to the Laberge Group's report so the board has it in writing and can study before the next meeting.

Barbara Garigliano: Understood.

Berry Hafkin: It also says under "Service Establishment" a retail store.

Barbara Garigliano: It says store or office. If you went to Mr. Givone's house you would see that the first floor in the most part is his office. His computer is there and although there is a dining room table this is where my client lives and works.

Michael Davidoff: So, Barbara as soon as you can get us the amended application and responses to the Laberge Group report our people will have time to look over before the August 28, 2019 meeting.

Barbara Garigliano: Okay

Michael Davidoff: We will have to close out all the open permits.

Dave Preston-Code Enforcement: It is in the works.

Motion to close the meeting:

Motion: Jeffrey Spitz

Second: Norm Sutherland

All in favor